

Fair Dealing Policy
Atlantic School of Theology
Adopted May 2013

The fair dealing provision in the *Copyright Act* permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties.

To qualify for fair dealing, (1) the dealing must be for one of the purposes outlined in the *Copyright Act* **and** (2) it must be “fair”.

First, the “dealing” must be for a purpose stated in the *Copyright Act*: research, private study, criticism, review, news reporting, education, satire, and parody.

Second, the dealing must be “fair”. Circumstances that determine fair dealing may vary from case to case. The Supreme Court of Canada outlines six factors used to assess whether the proposed copying or communicating is permitted under fair dealing:

- a) Purpose of the copying – whether it is for research, private study, criticism, review, news reporting, education, satire or parody.
- b) Character of the dealing – the number of copies being made and distribution method.
- c) Amount of the copying – the portion of the work being copied and significance of the excerpt(s) in relation to the whole work.
- d) Alternative to copying – whether there is a non-copyrighted option available and if copying is necessary to achieve the intended purpose.
- e) Nature of the work – whether it is published and widely available and if it is intended for a limited audience or confidential.
- f) Effect of the copying on the work – whether the copying will affect the market value of the work.

Guidelines

1. Teachers, instructors, professors and staff members in non-profit educational institutions may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire and parody.
2. Copying or communicating short excerpts from a copyright-protected work under these fair dealing guidelines should mention the source and, if given in the source, the name of the author or creator of the work.
3. A single copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course:

- a. as a class handout
 - b. as a posting to a learning or course management system that is password protected or otherwise restricted to students of a school or post-secondary educational institution
 - c. as part of a course pack
4. A short excerpt means:
- a. up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work)
 - b. one chapter from a book
 - c. a single article from a periodical
 - d. an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works
 - e. an entire newspaper article or page
 - f. an entire single poem or musical score from a copyright-protected work containing other poems or musical scores
 - g. an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work

In general, a short excerpt should contain no more of the work than that required to achieve the purpose justified by the fair dealing exception.

5. Copying or communicating multiple short excerpts from the same copyright-protected work, with the intention of copying or communicating substantially the entire work, is prohibited.
6. Where online materials have Technology Protection Measures (commonly known as “TPM” or “Digital Locks”), such protections cannot be circumvented even where a fair dealing or educational exception would otherwise apply.
7. Questions regarding copying or communicating that exceeds the limits in this Fair Dealing Policy or does not fall under AST’s license with Access Copyright may be directed to the Copyright Officer or Copyright Coordinator.

Copyright Officer

Rob Fennell, Academic Dean
425-3298, rfennell@astheology.ns.ca

Copyright Coordinator

Emily Cooke, Library Chair
496-7948, ecooke@astheology.ns.ca