Application of Appendix R30.04A (Fair Dealing Policy) to Library Copying

1.0 Purpose

1.1 The purpose of this Appendix is to provide guidance on the application of Appendix R30.04A - Application of Fair Dealing under Policy R30.04 (the Fair Dealing Policy) to the copying and communication of short excerpts of copyright-protected works by the university library. This appendix does not include copying or communicating works that may be conducted by a library on behalf of any person, or for document delivery, pursuant to the exemptions contained in section 30.2 of the Copyright Act. If fair dealing does not apply, one of the exemptions contained in section 30.2 may apply, although certain conditions not applicable to fair dealing may have to be met.

2.0 Scope

2.1 This Appendix to Policy R30.04 (Copyright Compliance and Administration Policy) applies to all University employees and students who reproduce and use copyright protected works in all media and formats in the course of University teaching, learning, research and administrative activities.

2.2 This Appendix applies when the copies made of a copyright protected work are covered by the fair dealing exception in Canada’s Copyright Act. The fair dealing provision permits use of a copyright protected work without permission from the copyright owner or the payment of copyright royalties.

2.3 For greater clarity and certainty, this Appendix applies only to the University entities listed in s.2.1 of Schedule R30.04A.

3.0 Definition of a Short Excerpt

3.1 Appendix R30.04A (the Fair Dealing Policy) permits copying and communicating a short excerpt from a copyright-protected work in the circumstances described in the policy. Section 4.4 of Appendix R30.04A (the Fair Dealing Policy) defines a short excerpt as follows:

4.4 A short excerpt means:

(i) Up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work),

(ii) One chapter from a book,

(iii) A single article from a periodical,

(iv) An entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works,

(v) An entire newspaper article or page,

(vi) An entire single poem or musical score from a copyright-protected work containing other poems or musical scores,
(vii) An entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work.

Provided that in each case, no more of the work is copied than is required in order to achieve the allowable purpose.


4.0 Document Delivery

4.1 Appendix R30.04A (the Fair Dealing Policy) applies to copying and communicating a short excerpt of copyright-protected work from a non-licensed library resource for document delivery to another library. The short excerpt may be provided to the library requesting the copy or directly to the patron of that library. The short excerpt may be copied onto paper or copied and communicated in electronic form, provided that the following safeguards are met:

(i) If the copy is made onto paper:

(a) The university library making the copy has received from the requesting library confirmation that the copy is required by a patron of that library for a fair dealing purpose; and
(b) The copy is marked with the following, or similar, notice:
   This copy was made pursuant to Appendix R30.04A (fair dealing policy) of SFU which may be found at http://www.sfu.ca/content/dam/sfu/policies/files/research_policies/30_series/R30.04AppendixA.pdf. The copy may only be used for the purpose of research, private study, criticism, review, news reporting, education, satire or parody. If the copy is used for the purpose of review, criticism or news reporting, the source and the name of the author must be mentioned. The use of this copy for any other purpose may require the permission of the copyright owner.

(ii) If the copy is made and delivered in digital form:

(a) The safeguard referred to in (i)(a)
(b) The notice referred to in (i)(b) be on the digital copy or be otherwise displayed to the requesting library and the library patron; and
(c) Any intermediate paper copy used to make the digital copy is destroyed promptly after the digital copy is transmitted.

4.2 A copy of a short extract of a copyright-protected work copied and communicated to a library under fair dealing is a lawful copy. The receiving library may further copy and communicate the short excerpt pursuant to Appendix R30.04A (the Fair Dealing Policy) (e.g. for posting on a library reserve system – see below).

5.0 Library Reserves

5.1 Appendix R30.04A (the Fair Dealing Policy) also applies to copying and communicating a short excerpt of a copyright-protected work for library reserve. The short excerpt may be copied onto paper, or copied and communicated in electronic form, from any copyright-protected course materials, including a course pack, provided that the following safeguards are met:

(i) If the copy is made onto paper:

(a) A request to put the short excerpt on library reserve is made by or on behalf of a faculty member and in respect of a specific course or program of instruction;
(b) The number of copies made does not exceed the number of students enrolled in the course of instruction;
(c) The copy is used only for the purpose of library reserve by students enrolled in the university; and
(d) The copy is marked with the following, or similar, notice:
   This item has been copied under the Fair Dealing provisions of the Copyright Act as enumerated in SFU Appendix R30.04A - Application of Fair Dealing under Policy R30.04. These are for your personal use. You may not distribute, e-mail or otherwise communicate these materials to any other person.
(ii) If the copy is made in digital form:
(a) The safeguards referred to in (i)(a) and (i)(c); 
(b) The notice referred to in (i)(d) be on the digital copy or be otherwise displayed to students who access the digital copy; and
(c) The electronic copy is maintained on a secure computer or device (e.g. password protected) with access restricted to students enrolled in the course at the university and to faculty and necessary staff.

6.0 Library Copiers and Scanners

6.1 The University does not have control over patrons who have access to photocopiers and scanners in the university library.

6.2 However, as a protection against copyright infringement by library patrons, the University should post a notice in close proximity to each photocopier or scanner in the university library advising that copyright law governs the making of copies and the communicating to the public by telecommunication of copyright-protected works; that fair dealing for the purpose of research, private study, education, parody, satire, criticism, review or news reporting is not an infringement of copyright; and that the university is not responsible for infringing copies made by users of the photocopier or scanner.

6.3 A copy of the notice may be found here.