



**SIMON FRASER UNIVERSITY**  
**Policies and Procedures**

**Date**  
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**Number**  
**R 30.04**  
**APPENDIX A**

**Revision Date**

**Revision No.**

## **Application of Fair Dealing under Policy R30.04**

### **1. Purpose**

**1.1** The purpose of this Appendix is to explain how the University manages its fair dealing rights and responsibilities pursuant to Policy R30.04 and Canada's copyright law when copyright protected works in any media are used for a bona fide university teaching, learning, research and administrative purpose.

### **2. Scope**

**2.1** This Appendix to Policy R30.04 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 First, the "dealing" must be for a purpose stated in the *Copyright Act*

- (i) Research,
- (ii) Private study,
- (iii) Education,
- (iv) Parody,
- (v) Satire,
- (vi) Criticism or review, or
- (vii) News reporting.

Educational use of a copyright protected work passes the first test.

**3.3** The second test is that the dealing must be "fair." In landmark decisions, the Supreme Court of Canada provided guidance as to what this test means for educational institutions.

**3.4** Policy R30.04 and this Appendix apply fair dealing in a non-profit university setting with reasonable safeguards for the owners of copyright protected works in accordance with the *Act* and Supreme Court decisions.

**4.0 Fair dealing requirements and limits**

**4.1**

4.9

**6.11 Satire** means the use of humour, irony, exaggeration or ridicule to expose and criticize people's behaviour, particularly in the context of contemporary topical issues.

**6.12 Short excerpt** means as described above in section 4.4.

**6.13 University** means Simon Fraser University, which is a non-profit university.

**6.14 Work** means published and unpublished creative works such as:

- (i) Literary works including manuscripts, tables, and computer programs;
- (ii) Dramatic works including recitation, choreography, mime, play, cinematography with dramatic elements;
- (iii) Musical works including a musical composition; and
- (iv) Artistic works including paintings, drawings, maps, charts, plans, photographs, engravings, sculptures, works of artistic craftsmanship and architectural works.

## **7.0 Related documents**

**7.1** The policy documents related to this Appendix include, but are not limited to, those listed below.

|                   |             |   |
|-------------------|-------------|---|
| <i>Policies</i>   | POL-R30.04  | Copyright Compliance and Administration   |
| <i>Schedules</i>  | SCD-R30.04A | Entities Covered and not Covered by the Scope of Policy R30.04                                  |
| <i>Appendices</i> | APPX-30.04B | Standard for Evaluating if a Particular Instance of Copying is Fair Dealing under Policy R30.04 |

## **8.0 Policy review**

**8.1** This Appendix will be reviewed at least every three years from its date of first approval to reflect, as needed, changes in copyright law, its interpretation, application and administration.

## **9.0 Authority**

**9.1** The Dean of Library Services has approved this Appendix for use under Policy R30.04 in consultation with the Office of the Vice President, Legal Affairs.

## **10.0 Interpretation**

**10.1** Questions of interpretation and application will be referred to the President, whose decision is final.