



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

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**APPENDIX H**

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## **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 is restricted by the exemptions in section 30.2 of the *Copyright Act*, 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

(drawing, map, chart, and plan) from a copyright-protected work containing other artistic works,

an entire newspaper article or page,

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.

**3.2** There is a more detailed discussion of what a short excerpt means in the policy Appendix R30.04C - General Application of Appendix R30.04A - Application of Fair Dealing under Policy R30.04.

#### **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](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 <sup>(b)</sup>copy is made and delivered in digital form:
  - (a)

- (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)