

# Fair Dealing Guidelines for Members of the UBC Community

Version 1.1  
(Revised September 7, 2011)

Please see [www.copyright.ubc.ca](http://www.copyright.ubc.ca) for the latest information on copyright



These Fair Dealing Guidelines (“**Guidelines**”) only deals with copying by faculty members, staff and students of UBC within the fair dealing exception. Please be aware that separate Fair Dealing Guidelines will exist for the UBC Library, which includes copying guidelines related to interlibrary loans, university library reserve and document delivery to patrons of the library.

1. These Guidelines apply to faculty, staff and students making a single copy within the university environment, from a work protected by copyright for the purposes of research, private study, criticism, review or news reporting in circumstances in which the consent of the owner of copyright has not been secured and is not required by reason of the fair dealing exception in the *Copyright Act*. Permission from a copyright holder may be required where the copy falls outside of these guidelines.
2. Single copies that are permitted to be made pursuant to these Guidelines must be made only from publications in which copyright subsists, such as, books, journals and other periodical publications, newspapers and magazines (“**Published Works**”). A copy may only be made from a lawful copy of the work in the possession of the university.
3. No copying may exceed 10 per cent of a Published Work, other than a textbook produced primarily for the post secondary education market, or the following, whichever is greater:
  - (a) an entire chapter from a book provided that it does not exceed 20 per cent of the book;
  - (b) an entire article from a periodical publication;
  - (c) an entire short story, play, poem or essay from a book or periodical publication;
  - (d) an entire entry from an encyclopedia, dictionary, annotated bibliography or similar reference book;
  - (e) an entire reproduction of an artistic work from a book or periodical publication; and
  - (f) a single musical score from a book or periodical publication.
4. No copying may exceed 5 per cent of a textbook produced primarily for the post secondary education market, or the following, whichever is greater:
  - (a) an entire chapter from a textbook provided that it does not exceed 10 per cent of the textbook;
  - (b) an entire short story, play, poem or essay from the textbook provided that it does not exceed 10 per cent of the textbook; and
  - (c) an entire reproduction of an artistic work or a single musical score from the textbook provided that it does not exceed 10 per cent of the textbook.
5. Notwithstanding any of the other provisions of these guidelines, no copies may be made of the following:
  - (a) any of the works referred to in paragraphs 3(b) to 3(f) of these guidelines where the publication containing the work does not contain other works. For example, no copy may be made of a play from a publication containing the play but no other work;
  - (b) unpublished works, subject to paragraph 10 below;
  - (c) proprietary workbooks, work cards, assignment sheets, tests and examination papers;
  - (d) instruction manuals;
  - (e) newsletters with restricted circulation intended to be restricted to a fee paying clientele; or
  - (f) business cases which are made available for purchase.
6. A single copy may be made by a faculty member, staff or student within the university environment from a Published Work pursuant to these Guidelines, subject to the following safeguards:
  - (a) the person requires the copy for his or her research, private study, criticism, review or news reporting; and
  - (b) where the person uses the paper copy for criticism, review or news reporting, he or she mentions:
    - (i) the source; and
    - (ii) if given in the source, the name of the author of the work.

7. A single copy in electronic form may be made by a faculty member, staff or student within the university environment from a Published Work pursuant to these Guidelines, subject to the following safeguards:
- (a) the person requires the copy for his or her research, private study, criticism, review or news reporting;
  - (b) where the person uses the electronic copy for criticism, review or news reporting, he or she mentions:
    - (i) the source; and
    - (ii) if given in the source, the name of the author of the work; and
  - (c) such person does not transmit the electronic copy to a third party, except where the transmission is pursuant to the purpose of criticism, review or news reporting.
8. If a fee is charged for making a copy the fee is set to be no more than an amount representing a reasonable approximation of the actual cost of making and delivering the copy.
9. University staff shall use reasonable efforts to guard against systematic, cumulative copying from the same work which in total exceeds the portion of the work that may be copied pursuant to these guidelines and to ensure that the number of copies made complies with these Guidelines. If university staff suspects that a student, other staff member or faculty member is engaged in systematic, cumulative copying, the matter must be referred to the university staff member responsible for administering these Guidelines or his or her delegate for review, and any further requests from that student, staff member or faculty member for a copy may be refused.
10. If you have a request for the making of copies which fall outside of these Guidelines, or a request for making of copies of unpublished works, please contact [ubc-copyright@interchange.ubc.ca](mailto:ubc-copyright@interchange.ubc.ca). A determination will be made as to whether the proposed copies are permissible in all the circumstances relating to the requests and may ultimately be refused. The evaluation will examine all relevant circumstances, including:
- (a) the purpose of the proposed copying, including whether it is for research, private study, criticism, review or news reporting;
  - (b) the character of the proposed copying, including whether it involves single or multiple copies, and whether the copy is destroyed after it is used for its specific intended purpose;
  - (c) the amount or proportion of the work which is proposed to be copied and the importance of that work;
  - (d) alternatives to copying the work, including whether there is a non-copyrighted equivalent available;
  - (e) the nature of the work, including whether it is published or unpublished; and
  - (f) the effect of the copying on the work, including whether the copy will compete with the commercial market of the original work.

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