



Students and the *Copyright Act*

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If I have seen further, it is by standing on the shoulders of giants.

Sir Isaac Newton

CCH Canadian Ltd. v. Law Society of Upper Canada,
2004 SCC 13

*Alberta (Education) v. Canadian Copyright Licensing Agency
(Access Copyright)*, 2012 SCC 37

*Society of Composers, Authors and Music Publishers of
Canada v. Bell Canada*, 2012 SCC 36

Fair Dealing

Research, private study, etc.

29 Fair dealing for the purpose of research, private study, education, parody or satire does not infringe copyright.

R.S., 1985, c. C-42, s. 29; R.S., 1985, c. 10 (4th Supp.), s. 7; 1994, c. 47, s. 61; 1997, c. 24, s. 18; 2012, c. 20, s. 21.

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Criticism or review

29.1 Fair dealing for the purpose of criticism or review does not infringe copyright if the following are mentioned:

- (a)** the source; and
- (b)** if given in the source, the name of the
 - (i)** author, in the case of a work,
 - (ii)** performer, in the case of a performer's performance,
 - (iii)** maker, in the case of a sound recording, or
 - (iv)** broadcaster, in the case of a communication signal.

1997, c. 24, s. 18.

News reporting

29.2 Fair dealing for the purpose of news reporting does not infringe copyright if the following are mentioned:

- (a)** the source; and
- (b)** if given in the source, the name of the ...

Fair Duty

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Fair Dealing and students

Updated October 2017

After amendment of Canada's *Copyright Act* in 2012, [S29](#) fair dealing expanded in capacity. Previously limited to purposes of research and private study, S29 would grow to include parody, satire and education. The inclusion of "education" was seen as both new-found treasure and a disaster of immeasurable proportions. It was neither. Fair dealing as specified through the previous Canadian law, and practiced with the guidance of the Supreme Court, was capable of facilitating legitimate unauthorized uses of copyrighted material in educational settings.

Supreme Court judge
to be."

Fair dealing is here to stay; students and teachers have every reason to make use of it.

2017, FAIRNESS, SIX FACTORS

six factors if necessary

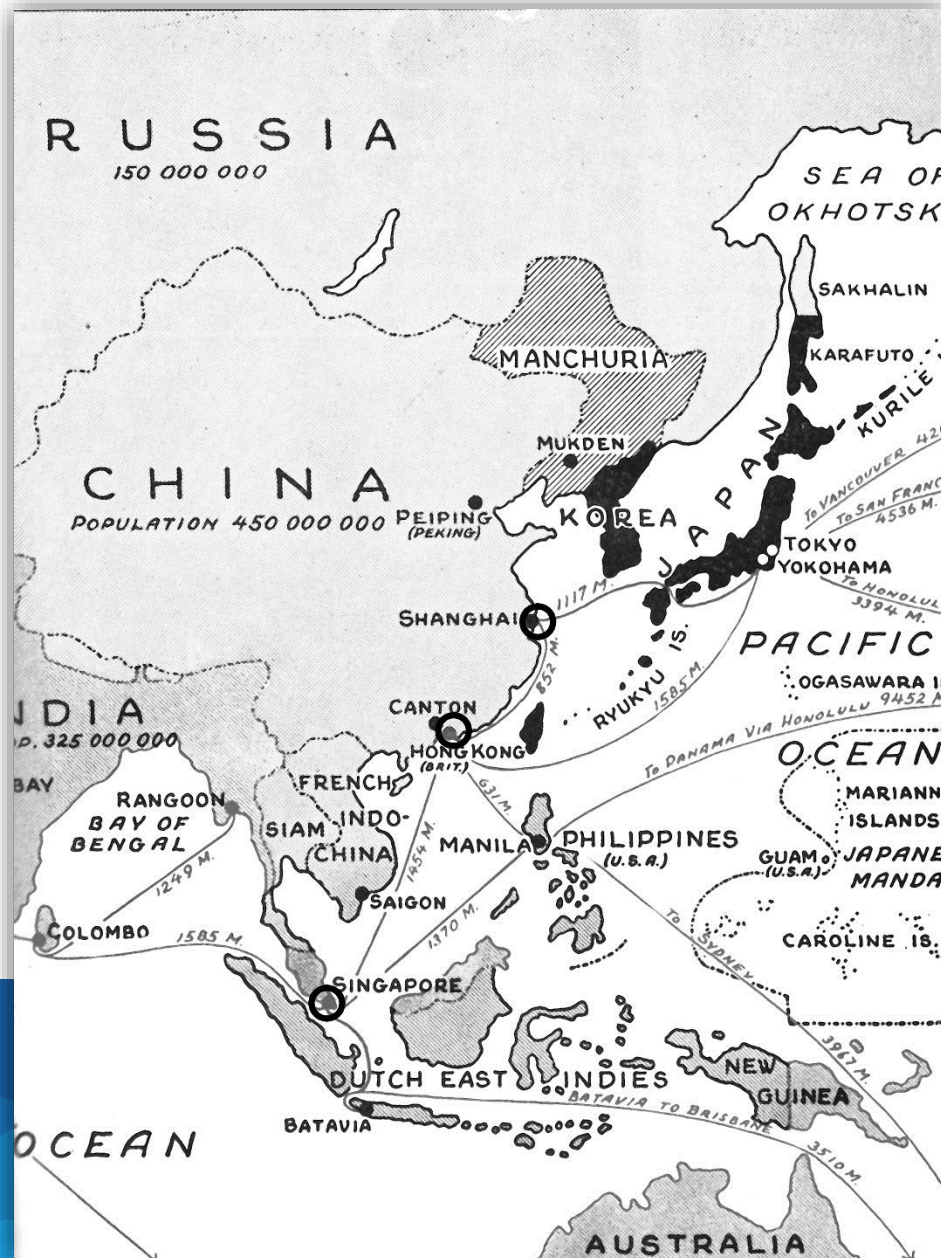
In Posts on February 24, 2017 at 9:58 am

ly six factors.

*content I covered yesterday during a panel discussion [Fair](#)
[we go from here?](#) With the aim of simplifying the fairness analysis,
some pre-CCH Canadian case law (see [here](#) and [here](#)). My thanks to
[Verta](#) for the opportunity to participate in the discussion.*

mentioned Canada's progress in developing a mutually respectful
one that does more than pay lip-service to creativity. Fair dealing
system of limited rights, as is necessary to maintain the goal and
it set some three hundred years ago. That fair dealing has become
the legal landscape is perhaps best exemplified by [remarks from a](#)
"I don't think this case is as profound as you and others made it out

a real problem, for a real student

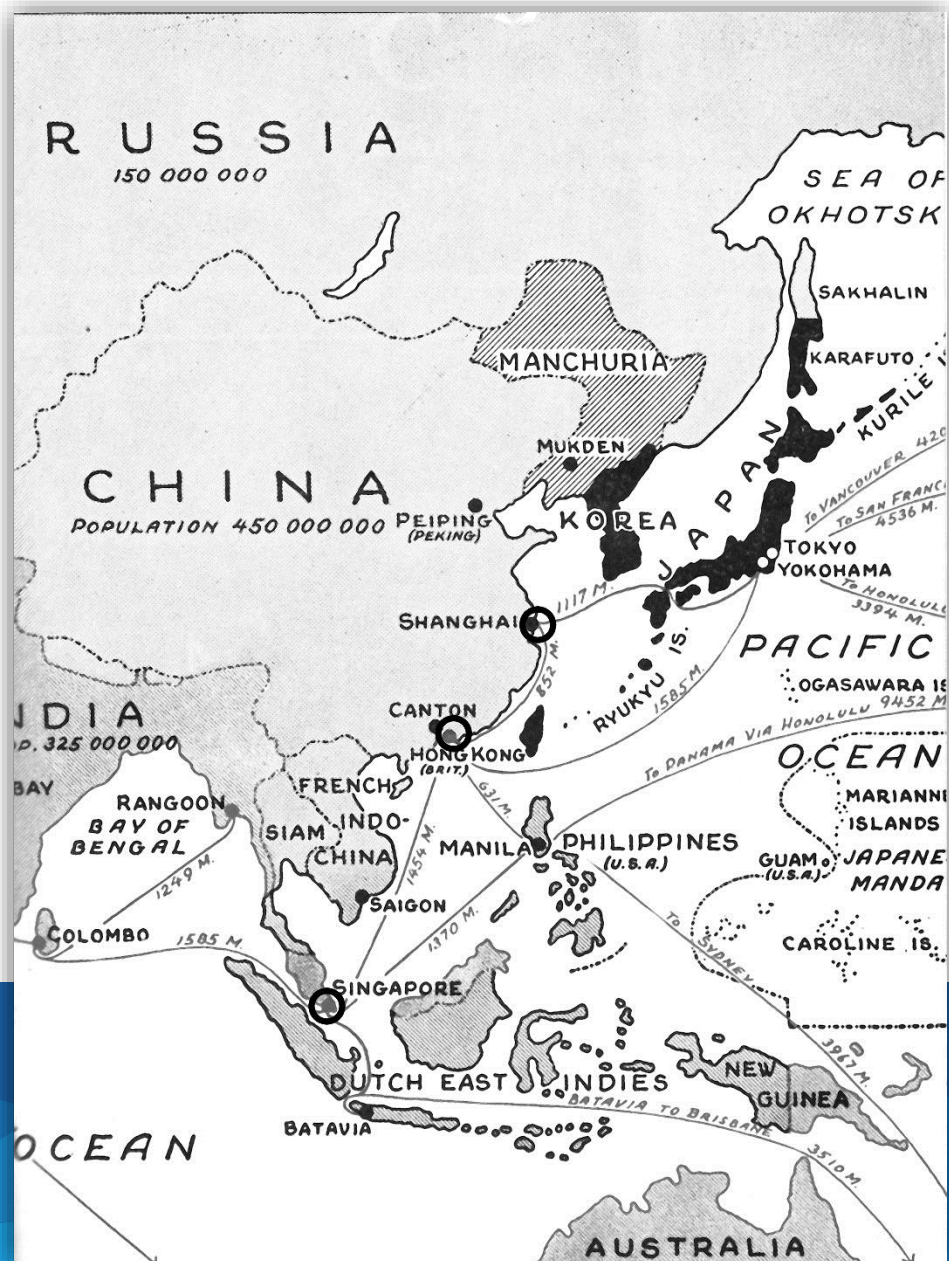


Palmer, F. (1930). *Look to the East*. New York: Dodd, Mead and Company, frontispiece

From CCH,

A framework for fair dealing analysis:

- i. The Purpose of the Dealing ✓
- ii. The Character of the Dealing ✓
- iii. The Amount of the Dealing ✓
- iv. Alternatives to the Dealing
- v. The Nature of the Work ✓
- vi. Effect of the Dealing on the Work ✓



“The map is a sketch of the political boundaries of early 20th century Southeast Asia, with shipping routes and distances marked in. A fitting backdrop to any contemporary discussion of trade in that region. The purpose of the use is research, an appropriate unauthorized use. The amount taken is reasonable – when discussing regions, it may be necessary to reproduce an entire map to convey the geographic boundaries and political nuances of the time.”


Note: The publisher dropped the demand for permission.

The Get-Out-Of-Jail-Free Card

From CCH, para 45

“Finally, even if there were evidence of the photocopiers having been used to infringe copyright, the Law Society lacks sufficient control over the Great Library's patrons ... The Law Society and Great Library patrons are not in a master-servant or employer-employee relationship such that the Law Society can be said to exercise control over the patrons...”

“... she’s scared to death of using material from the Internet.”

- Fair Dealing – S.29 of the Copyright Act (applicable to both commercial and non-commercial uses, requires a contextual evaluation)
 - “MashUp” Exception – S29.21 of the Copyright Act (sometimes called the YouTube exception but...)
 - Internet Exception – S30.04 of the Copyright Act (for students and teachers)
 - Incidental Use – S30.7 of the Copyright (particularly vital to filmmaking)
 - “Panorama” Exception – S32.2 of the Copyright Act
 - Creative Commons (CC)
 - Public Domain
- 



Thank You

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<http://nait.ca/copyright>