The Balancing Act: What Can I Do As a Copyright User in Education?

**Fair Dealing** is a general exception to copyright. Fair Dealing allows all Canadians to use protected works without permission from the copyright holder and without payment, but only if the dealing is fair.

The fair dealing exception in Section 29 of the Copyright Act tells us that allowable purposes for the use of copyright-protected works are research, private study, education, parody, satire, criticism, review or newspaper reporting.

In a landmark case in 2004, the Supreme Court of Canada provided Canadians with guidance in order to assess whether their use of copyright-protected works is fair.

If you are using a protected work for an allowable purpose, then you need to evaluate your use against 5 further factors:

1. The amount of the dealing must be fair.
2. The character of the dealing must be fair.
3. There should be no reasonable alternatives to the dealing.
4. The nature of the material must be considered in assessing fairness.
5. The effect of the dealing on the original material must be taken into account.

Your college may have its own Fair Dealing Policy. Following these guidelines is the best way to ensure your use of a copyright-protected work is fair.

The Copyright Act also contains exceptions for educational institutions. These exceptions are:

- Copying works for tests and exams.
- Performing copyright-protected works in the classroom.
- Conditions for recording television and radio broadcasts.
- The use of copyright-protected works in on-line education.
- The educational use of publicly available material on the Internet.

If you have questions about how to apply the educational exceptions you should ask your college library or the person designated by your college to answer copyright questions.