

# Copyright: Fair Dealing

## Administrative Procedure

---

<b>Status:</b>	<b>Active</b>
<b>Effective:</b>	December 2012
<b>Revision Date:</b>	March 2025
<b>Review Date:</b>	March 2029
<b>Responsibility:</b>	Superintendent of Education, School Programs

---

### Intended Purpose

The Halton District School Board adheres to the Council of Ministers of Education Canada (CMEC) Fair Dealing Guidelines. These guidelines provide reasonable safeguards for the owners of copyright-protected works in accordance with the Copyright Act and the Supreme Court decisions (2004, 2012). They apply to both the in-person and online learning environments, covering the use of print and digital materials in non-profit K-12 and post-secondary educational institutions.

The Fair Dealing provision in the *Copyright Act* permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties. To qualify for fair dealing, two tests must be passed. First, the "dealing" must be for a purpose stated in the *Copyright Act*: research, private study, criticism, review, news reporting, education, satire, and parody. Educational use of a copyright-protected work passes the first test. The second test is that the dealing must be "fair." In landmark decisions in 2004 and in 2012, the Supreme Court of Canada provided guidance as to what this test means in K-12 schools resulting in the following guidelines:

1. Teachers, instructors, professors and staff members in non-profit educational institutions may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire and parody.

# Copyright: Fair Dealing

## Administrative Procedure

---

2. Copying or communicating short excerpts from a copyright-protected work under these Fair Dealing Guidelines for the purpose of news reporting, criticism or review should mention the source and, if given in the source, the name of the author or creator of the work.
3. A single copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course:
  - 3.1. As a class handout.
  - 3.2. As a posting to a learning or course management system that is password protected or otherwise restricted to students of a school or postsecondary educational institution.
  - 3.3. As part of a course pack.
4. A short excerpt means:
  - 4.1. Up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work).
  - 4.2. One chapter from a book.
  - 4.3. A single article from a periodical
  - 4.4. An entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works.
  - 4.5. An entire newspaper article or page.
  - 4.6. An entire single poem or musical score from a copyright-protected work containing other poems or musical scores.
  - 4.7. An entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work.

# Copyright: Fair Dealing

## Administrative Procedure

---

5. Copying or communicating multiple short excerpts from the same copyright-protected work, with the intention of copying or communicating substantially the entire work, is prohibited.

Copying or communication that exceeds the limits in these Fair Dealing Guidelines may be referred to a supervisor or other person designated by the educational institution for evaluation. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.

All Halton District School Board staff should consult the [Fair Dealing Decision Tool](http://fairdealingdecisiontool.ca) website ([fairdealingdecisiontool.ca](http://fairdealingdecisiontool.ca)) when determining the fairness of the intended use of a copyrighted work in relation to the Copyright Act.

All Halton District School Board staff should be familiar with the Copyright Matters website ([copyrightmatters.ca](http://copyrightmatters.ca)) which serves as a reference guide for a broad range of copyright issues.

### Cross-Reference:

#### Legislation

Bill C-11 (Copyright Modernization Act)

Council of Ministers of Education Canada Fair Dealing Guidelines

Supreme Court of Canada Judgment – Alberta (Education) v. Canadian Copyright

Licensing Agency (Access Copyright), 2012, SCC 37

#### Ministry Policy & Program Memoranda

[PPM 157](#) (Use of Copyright-Protected Works for Education)

#### Board Policies, Procedures & Protocols

Halton District School Board Copyright/Fair Dealing Policy

[Copyright](#) (HDSB Library Services)

#### Revision History

- March 2025 (Minor updates to wording and format)
- December 2020
- September 2018
- December 2016