

# Fair dealing flowchart

It can often be tricky to determine whether something you want to do falls within fair dealing. This quick guide sets out the steps you should take and the factors you should consider. Ultimately, it will depend on your particular circumstances and you have to make a judgment call as to whether your use can be classified as “fair”. If you have any doubt, you should ask for permission. If the work is a library-licenced electronic resource, the permissibility of your use is determined by the terms of the licence.

## Step 1: Check whether your purpose is a permitted purpose

Are you using the work for the purpose of:

1. Research
2. Private study
3. Criticism
4. Review
5. News reporting
6. Education
7. Satire
8. Parody

**Yes** - Continue to step 2

**No** - Check whether use is covered under:

1. Any other Copyright Act exception
2. Library licences for electronic journals and databases (Note: some licences may prohibit some uses even if the purpose is one of the above.)
3. Cinematograph film licences
4. Any other agreement

## Step 2: Check whether your use is “fair”

<i>Nature of the Dealing</i>	<i>Less fair</i>	<i>More fair</i>
<i>Purpose</i>	Commercial	Charitable/Educational
<i>Character of the dealing</i>	Multiple copies; Widely distributed/repetitive	Single copy; Limited distribution/one-off (For class, not posted online)
<i>Importance/amount of work copied</i>	Entire Work/Significant excerpt	Limited/trivial amount
<i>Effect of dealing on the original work</i>	Competing with original work	No detriment to original
<i>Nature of the work</i>	Confidential	Unpublished/in public interest

<i>Nature of the Dealing</i>	<i>Less fair</i>	<i>More fair</i>
<i>Available alternatives</i>	Non-copyright works available; Not necessary for purpose	No alternative works; Necessary to achieve purpose*

If you intend to share your work more widely than your class, the nature of your dealing will be different than what has been indicated here.

\* Check to see if another acceptable image is available in the public domain or through a [Creative Commons](#) licence



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