Fair dealing assessment

Fair dealing is a type of statutory limitation which allows universities to “deal with” copyright protected works for specific purposes.

These purposes are:

* Research and private study
* Criticism, review, quotation and news reporting
* Caricature, parody and pastiche
* Illustration for instruction

Fairness is a question of “impression and degree”, and various factors need to be taken into account. Because it is not an absolute standard, there needs to be a fair balance to our dealing with copyrighted works, and an assessment is recommended to ensure the balance does not tilt towards unfair use.

Name:

Title or description of work to be used:

Date:

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| --- | --- | --- | --- | --- | --- |
| **The amount/proportion of the work taken** | **How the work is to be used** | **Necessity of use** | **Market substitution** | **Motive of user and how work was obtained** | **Publication status** |
| *It will not usually be fair to copy a whole work, but may be if other safeguards are put in place. Must be proportionate to goal* | *Should support the educational purpose* | *Is there no reasonable alternative to the dealing?* | *Use which competes with the copyright owners work is less likely to be fair – what is audience of the work, and how has it been made accessible? (VLE vs Netflix)* | *Is the work being used in bad faith, has it been obtained unscrupulously or surreptitiously?* | *If the work has not been published, it is less likely to be fair* |
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Once you have filled in the table, submit this document to copyright@soas.ac.uk for review. The Information Compliance team will aim to respond as soon as possible, and within 5 working days.