

COPYRIGHT ACT
(CHAPTER 63)
(1999 ed)

FORM OR NOTICE FOR PURPOSES OF SECTION 34 (b)
THE COPYRIGHT REGULATIONS

WARNING

A copyright owner is entitled to take legal action against a person who infringes his copyright. Unless otherwise permitted by the Copyright Act, unauthorised copying of a work in which copyright subsists may infringe the copyright in that work.

When making a copy of a work is a fair dealing under section 35 of the Copyright Act, making that copy is not an infringement of the copyright in the work.

It is fair dealing to make a copy, for the purpose of research or private study, of one or more articles on the same subject-matter in a periodical publication, or, in the case of any other work, of a reasonable portion of a work. In the case of a published work that is not less than 10 pages and is not an artistic work, 10% of the total number of pages, or one chapter, is a reasonable portion. In the case of an electronic version of a published work that is not divided into pages and is not an artistic work, 10% of the total number of bytes is a reasonable portion.

More extensive copying may constitute fair dealing for the purpose of research or private study. To determine whether it does, it is necessary to have regard to the criteria set out in section 35 (2) of the Copyright Act.

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Section 35 (2)

For the purposes of this Act, the matters to which regard shall be had, in determining whether a dealing with a literary, dramatic, musical or artistic work or with an adaptation of a literary, dramatic or musical work, being a dealing by way of copying the whole or a part of the work or adaptation, constitutes a fair dealing with the work or adaptation for the purpose of research or private study shall include:-

- a) the purpose and character of the dealing, including whether such dealing is of a commercial nature or is for non-profit educational purposes;
- b) the nature of the work or adaptation;
- c) the amount and substantiality of the part copied taken in relation to the whole work or adaptation; and
- d) the effect of the dealing upon the potential market for, or value of, the work or adaptation.