

Library Document Delivery Copyright Information Document

Overview

The University of Alberta Libraries ("UAL") Interlibrary Loan and Document Delivery Department copies and provides or communicates short excerpts from copyright-protected works in its permanent print collection to **primary**, **secondary**, and **external** library patrons.

Copies of material delivered under this service are made in accordance with Canadian copyright law, electronic resource licences, and limitations placed by external providers.

This information document deals with disseminating copies under the **fair dealing** exception in the Canadian *Copyright Act*. It does not deal with copying and communicating works under the terms of a licence, subscription, or other agreement. It does not deal with copying under other exemptions specific to libraries as set out in s.30.2 of the *Copyright Act*.

Copies reproduced under this information document will be made pursuant to the University of Alberta's *Fair Dealing Guidelines* ("UAFD Guidelines").

Purpose

To define the responsibilities and accountabilities of the UAL for copying short excerpts from copyright-protected works and communicating the excerpt via a Post-to-Web document delivery service or providing in paper form.

DETAILS

1. COPYRIGHT COMPLIANCE

Copies reproduced under this procedure are made pursuant to the UAFD Guidelines and provided or communicated to the recipient under the fair dealing exception in the Canadian *Copyright Act*. Recipients residing in Canada receive notice the copy may be used for any fair dealing purpose of research, private study, education, criticism, review, parody, satire, or news reporting. Recipients residing outside Canada receive notice that use of the copy must comply with copyright laws governing the end user's jurisdiction.

2. SAFEGUARDS

- a. Prior to providing the document delivery service, a library staff member will review the request for compliance with the limits defined in the UAFD Guidelines.
- b. The Library staff member will check the interlibrary loan database by patron ID and journal/book title to avoid having multiple requests for copies filled from a single issue or book for the same patron.
- c. If there is insufficient information to judge the amount needing to be copied and the request needs to be filled through an external supplier, the external supplier will advise if the request exceeds the amount that can be reasonably copied under the fair dealing exemption of the Canadian *Copyright Act*.
- d. With respect to electronic delivery, the short excerpt will be reproduced in electronic form and communicated in electronic form and stored on the interlibrary loan system for 30 days, after which time it will be removed.
- e. The short excerpt will be communicated digitally via a Post-to-Web service that is operated by or under the control of the UAL.
- f. Access to the short excerpt through the Post-to-Web service will be restricted so it is made available to and accessible by the intended recipient only on a time-limited basis as set out at 4(c) of this document.

3. RECEIPT OF REQUESTS VIA ONLINE WEB FORM

Library patrons may place a request for document delivery service using the web form accessible on the UAL website. As a condition of service, patrons are required to click a checkbox to acknowledge they have read, understood and agree with the following statement:

“If this request results in a copy, I understand it will be provided under the fair dealing exception and agree to use it for the purpose of research, private study, education, criticism, review, parody, satire, or news reporting. I understand use for any other purpose requires permission from the copyright owner for which I am responsible.”

4. POST-TO-WEB DELIVERY

- a. In most cases, a digital copy is supplied to fill the request. The digital copy will be made accessible to the requester via a secure Post-to-Web service.
- b. The requester is notified by email with instructions and a link to access the document. The patron must authenticate upon clicking the link in order to access to the document. Patrons authenticate using a username and password that has been provided to them upon registering for library services or interlibrary loan services.
- c. The email message will inform the recipient that the link will remain active and available for download for up to fourteen (14) days from sending of the email or three (3) views, whichever comes first.
- d. The following terms of use will be displayed when the recipient accesses the link to the document and the recipient must agree to it to view and/or download the document:

“This copy was made pursuant to the University of Alberta's Fair Dealing Guidelines and is provided to the recipient under the fair dealing exception in section 29 - 29.1 of the Canadian *Copyright Act*. This copy must be used for a fair dealing purpose of research, private study, criticism, review, news reporting, education, satire, or parody. Use for any other purpose requires permission from the copyright owner.”

- e. In cases where providing a digital copy is not permitted or is not possible, the recipient will receive a print copy marked with the notice set out at 4(d).

5. MEDIATED DOCUMENT DELIVERY

- a. When delivery of the digital copy is mediated by another library, the copy provided to the requesting library will be accompanied by a coversheet with the following statement:

“This copy was made pursuant to the University of Alberta's Fair Dealing Guidelines and provided under the fair dealing exception in the Canadian Copyright Act for the end user's research, private study, criticism, review, news reporting, education, satire, or parody. For recipients outside Canada, use is subject to the laws governing the end user's jurisdiction.”
- b. The following statement will be provided to the library mediating the request with instructions to provide the notice along with the document when delivering the copy to their patron.

“This copy is provided under the fair dealing exception in the Canadian *Copyright Act* for the recipient's research/private study/education/criticism/review/parody/satire/or news reporting. Use by recipients outside Canada is subject to the laws governing their jurisdiction.”
- c. If the intermediary requests direct delivery of the document to their patron, the process for Post-to-Web Delivery as set out in section 4 of this document shall apply.

6. RECORD KEEPING

All documents delivered under this service will be recorded in the Interlibrary Loan system and kept for six (6) years. The request is attached to the registered person or library for the purpose of tracking multiple requests, as outlined in 2(b) of this document.

7. FEES FOR SERVICE

There is no motive of gain in the fees charged by the UAL for copying and providing or communicating short excerpts under this service. Fees are intended to recover direct costs associated with providing this service, including reasonable overhead costs.

DEFINITIONS

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. [▲Top](#)

Primary Patrons	University of Alberta employees, including teachers, teaching assistants, instructors, professors, faculty (including part-time and adjunct faculty), staff members, administrators, researchers, research assistants, post-doctoral fellows, and any comparable position employed by the university; students, affiliates, and any authorized person, including walk-in library patrons.
Secondary Patrons	A local, national, or international library acting as an intermediary in facilitating a library patron's fair dealing request. The library may or may not be formally affiliated with the UA Libraries.
External Patrons	An individual engaged in a fair dealing purpose who is not a primary or secondary library patron.
Fair Dealing	Under Canadian copyright law, a limited exception to the exclusivity of copyright allowing for the use of reasonable excerpts of copyright-protected material for a specified range of purposes. Eight categories are defined in addition to specific factors related to the nature of the use. Neither the categories nor the factors are strictly defined in the legislation, so the applicability of Fair Dealing is a matter of interpretation case-by-case.

FORMS

Should a link fail, please contact uappol@ualberta.ca. [▲Top](#)

[Place a Request – Patron Login Page](#) – UA Libraries Interlibrary Loan and Document Delivery Department

[Place a Request – Institution Login Page](#) – UA Libraries Interlibrary Loan and Document Delivery Department

RELATED LINKS

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[Copyright Act of Canada, R.S.C., 1985, c. C-42](#) – Government of Canada

[Copyright Office](#) - University of Alberta

[University of Alberta Fair Dealing Guidelines](#)

[Interlibrary Loan and Document Delivery Department](#) – University of Alberta Libraries

[Use of Copyright Materials Policy](#) – University of Alberta

[Use of Copyright Materials Procedure](#) – University of Alberta