

Six Factors Analysis

There are no hard and fast rules on fair dealing.

The act of copying must be for one of the five purposes identified in the Copyright Act. Then, the act of copying must be fair.

Fairness is generally assessed by applying a set of 6 factors which are subject to interpretation and which were provided by the Supreme Court of Canada in [CCH Canadian Ltd. v. Law Society of Upper Canada](#).

These criteria should be applied to help determine whether a use of (or dealing with) a work is fair:

The purpose of the dealing	Was the dealing for research, private study, criticism, review, or news reporting? <i>The Judges express that "these allowable purposes should not be given a restrictive interpretation or this could result in the undue restriction of users' rights."</i>
The character of the dealing	What did the user do with the work? Was there a single copy or were multiple copies made? Were these copies distributed widely or to a limited group of people? What are the normal practices of the industry? <i>The Judges concluded that the wide distribution of multiple copies would not be considered Fair Dealing.</i>
The amount of the dealing	How much of the work was copied? What was the importance of the copied work?
Alternatives to the dealing	Was it necessary to use this specific work? Was a "non copyrighted equivalent" available?
The nature of the work	Was the work confidential? Is there a public benefit in its distribution?
The effect of the dealing on the work	Did the use compete with the market of the original work?