

COPYRIGHT AT QUEEN'S POLICY

PREAMBLE

The Copyright Act protects original literary, dramatic, musical and artistic works by stating that copyright subsists in those works and giving the copyright owner the sole right to produce or reproduce the work or any substantial part thereof. Generally speaking, in order to reproduce, that is, copy, a copyrighted work, a user must seek permission from the copyright owner.

In recent years, Queen's has obtained permission from copyright owners through a wide variety of licences and the Library has many such licences. (Note that our current licence with Access Copyright will expire on August 31, 2011.) Faculty members and staff frequently obtain permission to copy directly from the publisher or author.

There are, however, circumstances when copyrighted works (or some portion thereof) can be reproduced without permission from, or payment to, the copyright owner. This document and Schedules A and B which are attached provide guidelines for the exercise of these rights based on existing law.

The legal basis for the reproduction of works without permission or payment arises from:

- The fair dealing exemption, established in sections 29, 29.1 and 29.2 of the *Copyright Act*; and
- Specific education exceptions found in sections 29.4, 29.5, 29.6 and 29.7 of the *Copyright Act*.

PART 1 – GENERAL COPYING RIGHTS

It is lawful to copy copyrighted works without permission or payment in the following circumstances:

1(a) **Material in which Copyright does not Subsist** – Copyright does not protect facts and ideas.

(b) **Material in the Public Domain** – Works in which the term of copyright has expired can be copied without permission or payment. This means the works of creators who have been dead for more than 50 years, no matter where they resided or published their work.

(c) **Insubstantial Portions** – Copying an insubstantial amount of a work is not a violation of the *Copyright Act* and does not trigger the requirement of permission or payment. What will constitute a substantial part of a work is assessed from a quantitative and qualitative point of view. Regardless of the quantity of the work copied, if that part is distinctive, valuable or an

essential part of the work, the copying will infringe the owner's copyright. Examples of insubstantial use include selected sentences, paragraphs, verses or choruses from an article, book, poem or song and short clips from a film or television production.¹

(d) **Works with Implicit or Explicit Consent to Copy** – Material specifically presented for public use – including Open Access publications, works placed in Institutional Repositories and works covered by Creative Commons Licenses – may typically be copied with minimal restrictions. When copying material posted on the Internet, a user should check what use rights the copyright owner permits.

(e) **Links** – Providing an internet link to a work does not constitute reproduction and does not trigger the requirement of permission or payment.

(f) **Licensed Material** – Queen's purchases licences from content providers which allows the use of digital material, which may include saving and copying the licensed works. Library staff can indicate if particular content is part of the licenced collection and what use can be made of it.

(g) **Accessibility** – Copying for the purpose of making a work accessible to a person who could not otherwise access it because of a disability is not a violation of the copyright Act, provided the work is not commercially available in the required form, such as a large print book – section 32.

PART 2 – EDUCATIONAL EXCEPTIONS

The *Copyright Act* contains a number of specific educational exceptions that also allow works to be reproduced without permission or payment. These limited exceptions cover:

2(a) **Chalkboards** – It is not an infringement of copyright to make a manual reproduction of a work onto a dry-erase board, flip chart or other similar surface intended for displaying handwritten material – section 29.4 (1)(a).

(b) **Overheads** – It is not an infringement of copyright to project an image using an overhead projector or similar device (slide or PowerPoint slide) for the purposes of education or training on the premises of an educational institution – section 29.4 (2).

(c) **Examinations** – It is not an infringement of copyright to reproduce, translate or perform in public on the premises of the educational institution, or communicate by telecommunication to the public situated on the premises of the educational institution a work or other subject-matter as required for a test examination – section 29.4 (2).

¹ Section 3(1) of the *Copyright Act* states: For the purposes of this Act, "copyright", in relation to a work, means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatever... .

(d) **Performances** – It is not an infringement of copyright to do, on the premises of an educational institution for educational or training purposes and not for profit, before an audience consisting primarily of students of the educational institution, instructors acting under the authority of the educational institution or any person who is directly responsible for setting a curriculum for the educational institution:

- The live performance in public, primarily by students of the educational institution, of a work;
- The performance in public of a sound recording or of a work or performer’s performance that is embodied in a sound recording; and
- The performance in public of a work or other subject-matter at the time of its communication to the public by telecommunication – section 29.4 (2).

CAUTION – The exemption from copyright infringement relating to overheads and performances does not apply if the work is commercially available in a medium that is appropriate for the purpose.

(e) **News and commentary** – It is not an infringement of copyright to

- Make, at the time of its communication to the public by telecommunication, a single copy of a news program or a news commentary program, excluding documentaries, for the purposes of performing the copy for the students of the educational institution for educational or training purposes; and
- Perform the copy in public, at any time or times within one year after the making of a copy under paragraph (a), before an audience consisting primarily of students of the educational institution on its premises for educational or training purposes – section 29.6 (1).

(f) **Reproduction of broadcast** – It is not an infringement of copyright to

- Make a single copy of a work or other subject-matter at the time that it is communicated to the public by telecommunication; and
- Keep the copy for up to thirty days to decide whether to perform the copy for educational or training purposes – section 29.7 (1).

PART 3 – FAIR DEALING – STATUTORY AND JUDICIAL BASIS

Fair dealing is the right to, within limits, reproduce works without permission or payment.

3(a) Legislation

Sections 29, 29.1 and 29.2 of the *Copyright Act* provide:

29. Fair dealing for the purpose of research or private study does not infringe copyright.

29.1 Fair dealing for the purpose of criticism or review does not infringe copyright if [attribution is provided]...

29.2 Fair dealing for the purpose of new reporting does not infringe copyright if [attribution is provided]...

Note that the *Copyright Act* does not define “fairness”. In the absence of statutory guidance, the courts have provided a definition. In analyzing the fair dealing exemption, the Supreme Court has stated that the Copyright Act is a balance between promoting the public interest in the encouragement and dissemination of the arts and intellect and obtaining a just reward for the creator.

(b) **Judicial Test** – The Supreme Court of Canada’s *CCH* decision established six factors that allow individuals and institutions to conduct their own analysis of whether use of a work is fair.² The six criteria are:

One – **Purpose of the copying** (*Copyright Act* sections 29, 29.1 and 29.2) – To constitute fair dealing the use of a work must be for the broadly defined purposes of research, private study, criticism, review or news reporting. **Note that use of copyrighted material for educational purposes is not an authorized purpose.**

If the copying falls within these purposes, then the following factors must be weighed:

Two – **Character of the copying** (number of copies) – Making and distributing multiple copies of a work is less likely to be fair. The creation of a single or limited copies is more likely to be fair.

Three – **Amount of the work copied** – Copying an entire work may or may not be fair depending on the circumstances. For research or private study it may be essential and fair to copy an entire poem, photograph, academic article or chapter. However, if a work is copied for the purpose of criticism or review, it may be unfair to include a full copy of the work in the critique, when more limited excerpts would suffice. As a general rule copying less than 10 per cent of a work is likely to be fair.

² *CCH Canadian Limited v. Law Society of Upper Canada*, [2004] 1 S.C.R. 339, 2004 SCC 13

Copying more than 10 per cent of a work may be fair depending on the circumstances. For example:

Copying an entire chapter from a book is likely to be fair;

Copying an entire article from a periodical publication is likely to be fair;

Copying an entire short story, play, poem or essay from a book or periodical publication is likely to be fair;

Copying an entry from an encyclopaedia, dictionary, annotated bibliography or similar reference book is likely to be fair;

Copying an entire reproduction of an artistic work from a book or periodical publication is likely to be fair; and

Copying a single musical score from a book or periodical publication is likely to be fair.

Four – **Alternatives** – Copying is more likely to be fair if it is reasonably necessary to achieve an authorized purpose and there are no practical alternatives to using the particular work. Again – copying an article or a chapter for the purposes of research or private study would pass the necessity test in most instances. Reproducing an entire work for the purpose of criticising it is less likely to be fair.

Five – **The Nature of the work being copied** – Copying an academic article – published to disseminate ideas, often with no motive of direct financial gain – may be regarded as fair dealing. Copying a work that the owner had no intention of distributing or which included confidential material, for example, or a newsletter with restricted circulation to a fee paying clientele would be harder to justify under fair dealing.

Six – **The Effect of the dealing on the work** – If copying a work is likely to compete with the market of the original work, this may suggest that the dealing is not fair. However, although the economic effect of the copying on the copyright owner is an important factor, it is neither the only factor nor the most important factor that a court must consider.

Attribution – Consistent with long-established citation practices, copies should reference the name of the author or artist (where known), the title of the publication from which the copy was made, and the name of the publisher of that publication. Sections 29.1 and 29.2 of the *Copyright Act* provide specific attribution requirements for purposes of criticism, review and news reporting.³

³ 29.1 Fair dealing for the purpose of criticism or review does not infringe copyright if the following are mentioned: (a) the source; and (b) if given in the source, the name of the (i) author, in the case of a work, (ii) performer, in the

Fair Dealing Copying Guidelines for the Queen's community are attached as Schedule A. **Fair Dealing Copying Guidelines** for libraries are attached as Schedule B

case of a performer's performance, (iii) maker, in the case of a sound recording, or (iv) broadcaster, in the case of a communication signal.

29.2 Fair dealing for the purpose of news reporting does not infringe copyright if the following are mentioned; (a) the source; and (b) if given in the source, the name of the (i) author, in the case of a work, (ii) performer, in the case of a performer's performance, (iii) maker, in the case of a sound recording, or (iv) broadcaster, in the case of a communication signal.

Schedule A

Fair Dealing Copying Guidelines - General

1. Section 29 of the Copyright Act states that “fair dealing for the purposes of research or private study does not infringe copyright”. There is also a fair dealing exemption for review, criticism or news reporting. **Note that copying for educational purposes does not fall under the fair dealing exemption.** To qualify for the exemption, the person who seeks to copy the work protected by copyright must do so **fairly** and for the purposes listed above.

The Supreme Court of Canada has directed users to have regard to the following factors when determining whether copying is fair.

- (i) Is the real purpose of the copying for one of the legitimate purposes under the fair dealing exception? To constitute fair dealing the purpose of the copying must be research, private study, criticism, review or news reporting. To give real meaning to users’ rights under the fair dealing exception, the Supreme Court has stated that these categories must be interpreted in a broad and liberal manner.
- (ii) What is the character of the copying? For example, are multiple copies or a single copy being made?
- (iii) What is the amount of the copying? The amount taken will depend on the purpose.
- (iv) Are there alternatives to copying the work?
- (v) What is the nature of the work being copied. If the work is confidential, for example, the dealing may not be fair.
- (vi) what is the effect of the copying on the work? Will the copying undermine the market for the work?

Copying includes photocopying, scanning, printing a digital copy, transmitting by email and fax, projecting an image using a computer or other device, posting or uploading a digital copy to a secure network.

2. These Guidelines will provide direction to members of the Queen’s community to ensure compliance with the Copyright Act when making a single copy from a work protected by copyright for the purposes of research, private study, review, criticism or news reporting in circumstances in which the consent of the owner of copyright is not required by reason of the fair dealing exception in the Copyright Act. Single copies that are permitted to be made pursuant to these Guidelines may be made from publications in which copyright subsists, such as, books, journals and other periodical publications, newspapers and magazines ("Published Works"). A copy may only be made from a lawful copy of the Published Work, and in the case of a lawful

copy in electronic form, if there is no restriction against making a copy under the contractual terms relating to the Published Work.

3. No copying may exceed 10 per cent of a Published Work, other than a textbook produced primarily for the post secondary education market, or the following, whichever is greater:

- (a) an entire chapter from a book **provided that** it does not exceed 20 per cent of the book;
- (b) an entire article from a periodical publication;
- (c) an entire short story, play, poem or essay from a book or periodical publication;
- (d) an entire entry from an encyclopedia, dictionary, annotated bibliography or similar reference book;
- (e) an entire reproduction of an artistic work from a book or periodical publication; and
- (f) a single musical score from a book or periodical publication.

4. No copying may exceed 5 per cent of a textbook produced primarily for the post secondary education market, or the following, whichever is greater:

- (a) an entire chapter from a textbook **provided that** it does not exceed 10 per cent of the textbook;
- (b) an entire short story, play, poem or essay from the textbook **provided that** it does not exceed 10 per cent of the textbook; and
- (c) an entire reproduction of an artistic work or a single musical score from the textbook provided that it does not exceed 10 per cent of the textbook.

5. Notwithstanding any of the other provisions of these guidelines, no copies may be made of the following:

- (a) any of the works referred to in paragraphs 3(b) to 3(f) of these guidelines where the publication containing the work does not contain other works. For example, no copy may be made of a play from a publication containing the play but no other work;
- (b) unpublished works, subject to the provisions of paragraph 10 below;
- (c) proprietary workbooks, work cards, assignment sheets, tests and examination papers;
- (d) instruction manuals;
- (e) newsletters with restricted circulation intended to be restricted to a fee paying clientele; or

- (f) business cases which are made available for purchase.
6. If a fee is charged for making a copy, the fee is set no more than an amount representing a reasonable approximation of the actual cost of making and delivering the copy.
 7. If a faculty member or student makes a paper or electronic copy of a Published Work for purposes of criticism, review or news reporting, he or she must mention (a) the source, and (b) if given, the name of the creator of the work.
 8. A faculty member or student can authorize a staff member to make a copy on her or his behalf, provided that the faculty member or student advises the staff member that the copy is for the purposes of research, private study, review, criticism or news reporting
 9. University staff shall use reasonable efforts to guard against systematic, cumulative copying from the same work which in total exceeds the portion of the work that may be copied pursuant to these Guidelines and to ensure that the number of copies made complies with these Guidelines. If university staff have reason to believe that a student, staff or faculty member is engaged in systematic, cumulative copying, the matter must be referred to the university staff member responsible for administering these Guidelines or his or her delegate for review, and any further requests from that student, staff member or faculty member for a copy may be refused.
 10. Requests for the making of copies which may fall outside these fair dealing copying Guidelines and requests for making of copies of unpublished works may be referred to the university staff member responsible for administering these Guidelines or to his or her delegate for evaluation. A determination will be made as to whether the proposed copies are permissible in all the circumstances relating to the requests and may ultimately be refused. The evaluation will examine all relevant circumstances, including:
 - (a) the purpose of the proposed copying, including whether it is for research, private study, review, criticism or news reporting;
 - (b) the character of the proposed copying, including whether it involves single or multiple copies, and whether the copy is destroyed after it is used for its specific intended purpose;
 - (c) the amount or proportion of the work which is proposed to be copied and the importance of that work;
 - (d) alternatives to copying the work, including whether there is a non-copyrighted equivalent available;
 - (e) the nature of the work, including whether it is published or unpublished; and
 - (f) the effect of the copying on the work, including whether the copy will compete with the commercial market of the original work.

Schedule B

Fair Dealing Copying Guidelines - Interlibrary Loan, Library Reserve and Document Delivery

I Interlibrary Loan

11. This policy on interlibrary loan applies to a loan from one university library in Canada at the request of another university library in Canada for delivery to that library or for transmission to a student, staff member or faculty member of that other university. Although this policy does not apply to a loan from a university library to a public or commercial library or to a library located outside of Canada, it may apply by analogy. Specific consideration of all the circumstances would have to be given to determine whether this policy would apply by analogy.⁴

Paper Copies

12. A single copy may be made onto paper pursuant to the Fair Dealing Copying Guidelines for interlibrary loan, subject to the following safeguards:

- (a) the library making the copy has received written confirmation in paper or electronic form from the library requesting the copy or from the patron of that library that the patron requires the copy for research, private study, review, criticism or news reporting, and that the patron is a student, staff member or faculty member of the university requesting the copy;
- (b) where the patron requires the copy for review, criticism or news reporting, the library making the copy advises that, in using the copy for any of those purposes, the patron mentions:
 - (i) the source; and
 - (ii) if given in the source, the name of the author of the work; and
- (c) where the purpose of making the paper copy is to use it to make an electronic copy for use in interlibrary loan, the paper copy is promptly destroyed after the electronic copy is made

⁴ This policy has been written to clarify fair dealing for access to university library resources. Fair dealing, of course, has wider application and is legitimately and reasonably called upon in other contexts and circumstances. While this particular policy does not specifically address all such circumstances it can, as noted in clause 11 of the policy, apply by analogy in certain situations. It is not unreasonable to expect for example that, subject to a consideration of the facts, fair dealing would apply in the context of an interlibrary loan request from a local public library to a university library.

(d) Each paper copy made pursuant to these Guidelines shall contain, on at least one page, the name of the author or artist (where known), the title of the publication from which the copy was made, the name of the publisher of that publication and the following statement:

This copy is made solely for the use by a student, staff member, faculty member or library patron for research, private study, review, criticism or news reporting. Any other use may be an infringement of copyright if done without securing the permission of the copyright owner.

Electronic Copies

13. A single copy may be made in electronic form pursuant to the Fair Dealing Copying Guidelines for interlibrary loan and may be transmitted to the library requesting the copy using Ariel or similar technology, subject to the following safeguards:

(a) the library making the copy has received written confirmation in paper or electronic form from the library requesting the copy that the patron of that library requires the copy for research, private study, review, criticism or news reporting, that the patron requiring the copy is a student, staff member or faculty member of the university requesting the copy, and that once that library received the electronic copy and makes a copy onto paper it will delete the electronic copy;

(b) where the patron requires the copy for review, criticism or news reporting, the library making the copy advises that, in using the copy for any of those purposes, the patron mentions:

(i) the source; and

(ii) if given in the source, the name of the author of the work;

(c) the library making the copy has received written acknowledgement from the library requesting the copy that it will only use the electronic copy transmitted to it for the purpose of making a copy onto paper for the patron of that library that required the copy and will delete the electronic copy once it has furnished the paper copy to its patron; and

(d) the Ariel or similar technology used to transmit the copy is set or configured so that the copy is deleted once the transmission is completed.

14. A single copy may be made in electronic form pursuant to the Copying Guidelines for interlibrary loan and may be transmitted to a patron of the library requesting the copy in electronic form by desktop delivery, subject to the following safeguards:

(a) the library making the copy has received written confirmation in paper or electronic form from the library requesting the copy that the patron of that library is a student, staff member or faculty member of the university requesting the copy;

(b) where the patron requires the copy for review, criticism or news reporting, the library making the copy advises the patron of the library requesting the copy that, in using the copy for any of those purposes, the patron mentions:

(i) the source; and

(ii) if given in the source, the name of the author of the work;

(c) the library making the copy has, before transmitting the copy, received written confirmation in paper or electronic form from the patron of the library requesting the copy that the patron requires the copy for research, private study, review, criticism or news reporting, that the patron will only use that copy for research, private study, review, criticism or news reporting, and that the patron will not transmit the copy to any third party;

(d) the electronic copy is made available to the patron requesting the copy either by email sent directly to the patron, or from a secure server protected by a technological protection measure that ensures that the copy is only made available to the patron requesting the copy;

(e) the electronic copy is transmitted to the patron requesting the copy in PDF format or a similar format that restricts the copy from being altered by the patron; and

(f) if transmitting the copy by email, the library deletes its sent email once the email has been transmitted, and if making the copy available from a secure server, the library deletes the copy stored on its server once the patron requesting the copy has downloaded one copy from the server and is not transmitted to another patron requesting a copy.

15. Each electronic copy, including an electronic copy made available from a server, made pursuant to these Guidelines shall have the information and statement referred to in 12(d) on at least one page.

II University Library Reserve

16. This policy applies to paper and electronic copies made from Published Works by a staff or faculty member for library reserve.

Paper Copies

17. One paper copy for each 30 students in a course of instruction up to a maximum of 3 may be made onto paper pursuant to the Copying Guidelines for library reserve, subject to the following safeguards:

- (a) the paper copies are made by or at the request of a faculty member in respect of a specific course of instruction offered by the university;
- (b) the paper copies are made as an optional and supplementary source of information for students and must be a small proportion (no more than 25 per cent) of the required reading for a particular course, and the university library has received from the faculty member requesting the copies a written acknowledgement in paper or electronic form confirming that the copies are intended as an optional and supplementary source of information for students and that the copies amount to no more than 25 per cent of the required reading for the course;
- (c) the use of library reserve must not substitute for the purchase of books, course packs or other published materials;
- (d) prior to loaning the paper copy to a student, the library has received from the student a written acknowledgement in paper or electronic form that he or she is a student enrolled in a course of instruction at the university, that the student requires the copy for research, private study, review, criticism or news reporting, and that the student will not use the copy for any other purposes;
- (e) where the student requires the copy for review, criticism or news reporting, the library advises the student that, in using the copy for any of those purposes, the student mentions:
 - (i) the source; and
 - (ii) if given in the source, the name of the author of the work;
- (f) the paper copy is loaned to the student for a period of limited duration;
- (g) the paper copy is destroyed within a reasonable time once the course of instruction or series of courses it pertains to comes to an end;

(h) where the purpose of making the paper copy is to use it to make an electronic copy for library reserve, the paper copy is promptly destroyed after the electronic copy is made; and

(i) each paper copy made pursuant to these Guidelines shall contain on at least one page, the name of the author or artist (where known), the title of the publication from which the copy was made; the name of the publisher of the publication and the following statement :

This copy is made solely for the use by a student, staff or faculty member or library patron for research, private study, review, criticism or news reporting. Any other use may be an infringement of copyright if done without securing the permission of the copyright holder.

Electronic Copies

18. A single copy in electronic form may be made available to a student for library reserve from a university server pursuant to the Fair Dealing Copying Guidelines, subject to the following safeguards:

(a) the electronic copy is made at the request of a faculty member in respect of a specific course of instruction offered by the university;

(b) the electronic copy is made as an optional and supplementary source of information for students and must be a small proportion (no more than 25 per cent) of the required reading for a particular course, and the university library has received, from the faculty member requesting the copies, written acknowledgement in paper or electronic form confirming that the copies are intended as an optional and supplementary source of information for students and that the copies amount to no more than 25 per cent of the required reading for the course;

(c) the use of library reserve must not substitute for the purchase of books, course packs or other published materials;

(d) prior to providing a student with access to the electronic copy, the library has received from the student a written acknowledgement in paper or electronic form that he or she is a student enrolled in the course of instruction at the university for which the copy was made, that the student requires the copy for research, private study, review, criticism or news reporting, that the student will not use the copy for any other purpose, that the student will not transmit the copy to any third party and that the student will only print out one paper copy from the electronic copy;

(e) the electronic copy is made available to the student from a secure server protected by a technological protection measure that ensures that the copy is only made available to the students enrolled in the course of instruction for which the copy was made;

(f) the electronic copy is made available to the student on a read-only basis in PDF format or a similar format that prevents the copy from being altered by the student; and

- (g) the electronic copy made by the university is deleted once the course of instruction or the series of courses it pertains to has come to an end; and
- (h) each electronic copy made pursuant to these Guidelines, including an electronic copy made available from a server, shall contain the information and statement referred to in 17(i)

III Document Delivery

19. These Guidelines on document delivery apply to copies made by the university library from Published Works for a patron of the library.

Paper Copies

20. A single copy may be made onto paper pursuant to the Copying Guidelines for document delivery for a patron of the university library who is a student, staff member or faculty member of the university, subject to the following safeguards:

- (a) the library has received written confirmation in paper or electronic form from the patron that is a student, staff member or faculty member of the university, and that the patron requires the copy for research, private study, review, criticism or news reporting;
- (b) where the student requires the copy for review, criticism or news reporting, the library advises the student that, in using the copy for any of those purposes, the student mentions:
 - (i) the source; and
 - (ii) if given in the source, the name of the author of the work; and
- (c) where the purpose of making the paper copy is to use it to make an electronic copy to provide to the patron, the paper copy is promptly destroyed after the electronic copy is made.

21. A single copy may be made onto paper pursuant to the Copying Guidelines for document delivery, for a patron who is not a student, staff member or faculty member of the university, subject to the following safeguards:

- (a) the library has permitted the patron to have access to its premises and the patron requests the copy while on the premises of the library;
- (b) the library has received written confirmation in paper or electronic form from the patron that the patron requires the copy for research, private study, review, criticism or news reporting; and

(c) where the patron requires the copy for review, criticism or news reporting, the library advises the patron that, in using the copy for any of those purposes, the patron mentions:

- (i) the source; and
- (ii) if given in the source, the name of the author of the work.

22. Each paper copy made pursuant to these Guidelines on document delivery shall contain on at least one page, the name of the author or artist (where known), the title of the publication from which the copy was made, the name of the publisher of the publication and the following statement:

This copy is made solely for the use by a patron of the university library for research, private study, review, criticism or news reporting. Any other use may be an infringement of copyright if done without securing the permission of the copyright owner.

Electronic Copies

23. A single copy may be made in electronic form pursuant to the Copying Guidelines for document delivery for a patron of the university library, subject to the following safeguards:

- (a) the library has received written confirmation in paper or electronic form from the patron that the patron is a student, staff member or faculty member of the university, that the patron requires the copy for research, private study, review, criticism or news reporting, that the patron will only use that copy for research, private study, review, criticism or news reporting, and that the patron will not transmit the copy to any third party;
- (b) where the patron requires the copy for review, criticism or news reporting, the library advises the patron that, in using the copy for any of those purposes, the patron mentions:
 - (i) the source; and
 - (ii) if given in the source, the name of the author of the work;
- (c) the electronic copy is made available to the patron requesting the copy either by email sent directly to the patron, or from a secure server protected by a technological protection measure that ensures that the copy is only made available to the patron requesting the copy;
- (d) the electronic copy is transmitted to the patron requesting the copy in PDF format or a similar format that restricts the copy from being altered by the patron;

(e) if transmitting the copy by email, the library deletes its sent email once the email has been transmitted, and if making the copy available from a secure server, the library deletes the copy stored on its server once the patron requesting the copy has downloaded one copy from the server; and

(f) Each electronic copy, including an electronic copy made available from a server, made pursuant to the Guidelines shall contain the information set out in section 22.