

USE OF IMAGES IN CONTINUOUS SLIDESHOW FOR PROMOTIONAL PURPOSES

Question:

Does the fair dealing exception allow us to advertise the gallery exhibit by displaying photos in the library in the form of a continuous, looping, slideshow?

Answer:

To qualify for the fair dealing exception, the use must be for the purpose of research, education, private study, satire, parody, news reporting, review or criticism. Since the purpose of the display is to advertise the gallery, and since the nature of the display precludes the audience (i.e., students, faculty, staff) from using the images for a valid fair dealing purpose, displaying the images in this manner would likely not qualify as fair dealing.

Apart from the fair dealing exception, the *Copyright Act* also contains an exception for temporary display, but this exception is limited to display for the purposes of education or training. Again, since the purpose of the display is to advertise the gallery, rather than to provide education or training, the display would likely not qualify for this exception.

As a result, the promotional display should only contain images that we have the copyright owner's permission to use.