

# CHECKLIST FOR FAIR USE

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Project: \_\_\_\_\_

Institution: \_\_\_\_\_ Prepared by: \_\_\_\_\_

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## PURPOSE

### *Favoring Fair Use*

Teaching (including multiple copies for classroom use)  
Research  
Scholarship  
Nonprofit Educational Institution  
Criticism  
Comment  
News reporting  
Transformative or Productive use (changes the work for new utility)  
Restricted access (to students or other appropriate group)  
Parody

### *Opposing Fair Use*

Commercial activity  
Profiting from the use  
Entertainment  
Bad-faith behavior  
Denying credit to original author

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## NATURE

### *Favoring Fair Use*

Published work  
Factual or nonfiction based  
Important to favored educational objectives

### *Opposing Fair Use*

Unpublished work  
Highly creative work (art, music, novels, films, plays)  
Fiction

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## AMOUNT

### *Favoring Fair Use*

Small quantity  
Portion used is not central  
or significant to entire work  
Amount is appropriate for favored educational purpose

### *Opposing Fair Use*

Large portion or whole work used  
Portion used is central to work  
or "heart of the work"

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## EFFECT

### *Favoring Fair Use*

User owns lawfully acquired  
or purchased copy of original work  
One or few copies made  
No significant effect on the market or  
potential market for copyrighted work  
No similar product marketed by the copyright holder  
Lack of licensing mechanism

### *Opposing Fair Use*

Could replace sale of copyrighted work  
Significantly impairs market or potential  
market for copyrighted work or derivative  
Reasonably available licensing mechanism  
for use of the copyrighted work  
Affordable permission available for using work  
Numerous copies made  
You made it accessible on Web or in other  
public forum  
Repeated or long-term use

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