

Fair Use Checklist

Name: _____

Institution: _____

Project: _____

Date: _____

Prepared By: _____

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 the original author

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Unpublished work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

Amount

Favoring Fair Use

Small quantity

Portion used is not central or significant to entire work

Amount is appropriate for favored education purpose

Opposing Fair Use

Large portion or whole work used

Portion used is central to or “heart of the work”

Effect

Favoring Fair Use

User owns lawfully purchased or acquired 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 the Web or in other public forum

Repeated on long-term use