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 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- Unpublished work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 educational 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 or long-term use