CHECKLIST FOR FAIR USE

Name:_____   Date:_____

Item Description: _____

Project/Course:_____   Prepared by:_____

PURPOSE

Favoring Fair Use   *Opposing 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

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

NATURE

Favoring Fair Use   *Opposing Fair Use*

- ❏ Published work
- ❏ Factual or nonfiction based
- ❏ Important to favored educational objectives

- ❏ Unpublished work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

AMOUNT

Favoring Fair Use   *Opposing Fair Use*

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

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

EFFECT

Favoring Fair Use   *Opposing 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

- ❏ 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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