

Checklist for Fair Use

Title:

Article Book Chapter Film

Justification:

Purpose

Favoring Fair Use

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit Educational Institution
- Restricted Access (to students or other appropriate group)

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 Non-Fiction 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- Unpublished Work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 work or "heart of the work"

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