

FAIR USE CHECKLIST

NAME: _____
COURSE TITLE, NUMBER, & SEMESTER: _____
TITLE OF WORK TO BE USED: _____
PORTION OF WORK TO BE USED (PAGE NUMBERS/TOTAL NUMBER OF PAGES): _____
DATE: _____

PURPOSE & CHARACTER OF USE

FAVORING FAIR USE

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit educational institution
- Transformative (e.g., comment, criticism, parody)
- 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
- Exact whole copy

NATURE OF THE COPYRIGHTED WORK

FAVORING FAIR USE

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

OPPOSING FAIR USE

- Unpublished work
- Highly creative work (art, music, films, fiction)

AMOUNT REPRODUCED OR COPIED

FAVORING FAIR USE

- Small quantity
- Portion used is not “the heart” of the work
- Amount is appropriate to educational purpose

OPPOSING FAIR USE

- Large portion of work used
- Portion used is central to the entire work

EFFECT ON THE MARKET

FAVORING FAIR USE

- One-time use
- Work owned by library or instructor
- No longer in print
- Restricted access
- One or few copies made
- Absence of reasonable mechanism for obtaining permission

OPPOSING FAIR USE

- Repeated or long-term use
- Obtained through loan or other method
- Currently available for purchase/licensing
- Publicly available
- Many copies made
- Reasonably available mechanism for obtaining permission
- You made it accessible on the Web or other public forum