

# Fair use checklist

## *Favoring Fair Use*

### **Purpose**

- Teaching (including multiple copies for classrooms)*
- Research*
- Scholarship*
- Non profit educational institutions*
- Comment*
- Parody*
- News Reporting*
- Criticism*
- Transformative or productive use  
(changes the work for new utility)*
- Restricted access  
(to students or other appropriate group)*

### **Nature**

- Published Work*
- Factual or Nonfiction based*
- Important to favored educational objectives*

## *Opposing Fair Use*

### **Purpose**

- Commercial Activity*
- Profiting from the use*
- Entertainment*
- Bad Faith Behavior*
- Denying credit to original author*

### **Nature**

- Unpublished work*
- Highly creative work (art, music, novel, plays, films)*
- Fiction*

# Fair use checklist

## *Favoring Fair Use*

## *Opposing Fair Use*

### **Amount**

- Favoring Fair Use*
- Small Quantity*
- Portion used is not central or significant to entire work*
- Amount is appropriate for favored educational use*

### **Amount**

- Large Portion or whole work used*
- Portion used is central or “Heart of the Work”*

### **Effect**

- User owns lawfully purchased or acquired copy of original work*
- One of few copies made*
- No significant effect on the market or potential market for copyrighted work*
- No similar product marketed by copyright holder*
- Lack of licensing mechanism*

### **Effect**

- 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 forums*
- Repeated or long term use*