

Name: _____ Date: _____ Project: _____

FAIR USE CHECKLIST

This tool is intended to help you determine if your proposed copying and distributing of copyrighted materials is covered by the fair use exemption. Please complete and retain a copy of this form for each "fair use."

Check all boxes that apply. When the boxes that favor "fair use" outnumber the boxes against, the fair use exemption can be claimed. When less than half the factors favor "fair use," permission should be obtained before copying or disseminating.



| <i>Considerations in Favor of Fair Use</i> | <i>Considerations in Opposition to Fair Use</i> |
|--|---|
| PURPOSE OF THE USE | |
| <input type="checkbox"/> Nonprofit Educational (teaching) <input type="checkbox"/> Research <input type="checkbox"/> Criticism, parody, or news <input type="checkbox"/> Transformative use (alters the work for a new purpose) | <input type="checkbox"/> For profit or commercial activity <input type="checkbox"/> Entertainment <input type="checkbox"/> For publication or public distribution <input type="checkbox"/> Non-transformative |
| NATURE OF THE USE | |
| <input type="checkbox"/> Published work <input type="checkbox"/> Nonfiction or factual in nature <input type="checkbox"/> Essential to desired educational outcomes | <input type="checkbox"/> Unpublished work <input type="checkbox"/> Highly creative (e.g. films, novels, plays, art, music) <input type="checkbox"/> Consumable work (lab books, tests) |
| AMOUNT OF THE USE | |
| <input type="checkbox"/> A small quantity or portion of work <input type="checkbox"/> Proposed portion is not central or significant to the entire work | <input type="checkbox"/> A large quantity or portion of the work <input type="checkbox"/> The proposed portion is central to the entire work |
| EFFECT OF THE USE | |
| <input type="checkbox"/> User owns lawfully acquired or purchased copy of original work <input type="checkbox"/> Spontaneous, one-time use (no time in advance to obtain permission) <input type="checkbox"/> There is no significant effect on the market for the copyrighted work <input type="checkbox"/> No longer in print and/or an absence of licensing mechanism <input type="checkbox"/> Restricted access (limited to a class audience) <input type="checkbox"/> One or a few copies made | <input type="checkbox"/> Cumulative amount of copyright could replace sale of copyrighted work <input type="checkbox"/> Repeated or long-term use <input type="checkbox"/> Impairs markets for the copyrighted work <input type="checkbox"/> Reasonably available and affordable licensing mechanism to use the work <input type="checkbox"/> You will make it publicly available on the Web or in some public forum <input type="checkbox"/> Numerous copies made |