Checklist for Fair Use

Please complete and retain a copy of this form with each possible “fair use” of a copyrighted work for your project.

Name: ___________________________ Date: __________ Project: ___________________________

Item Description: ________________________________________________________________

Institution: ___________________________ Prepared by: ___________________________

PURPOSE

Favoring 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

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 nonfiction 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☐ Unpublished work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
☐ 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
☐ Repeated or long-term use

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