

Checklist for Fair Use

Please complete and retain a copy of this form in connection with each possible "fair use" of a copyrighted work for your project

Name: _____ Date: _____ Project: _____

Institution: _____ Prepared by: _____

PURPOSE

Favoring Fair Use Opposing Fair Use

Teaching (including multiple copies for classroom use) Commercial activity

Research Profiting from the use

Scholarship Entertainment

Nonprofit Educational Institution Bad-faith behavior

Criticism Denying credit to original author

Comment

News reporting

Transformative or Productive use (changes the work for new utility)

Restricted access (to students or other appropriate group)

Parody

NATURE

Favoring Fair Use Opposing Fair Use

Published work Unpublished work

Factual or nonfiction based Highly creative work (art, music, novels, films, plays)

Important to favored educational objectives Fiction

AMOUNT

Favoring Fair Use Opposing Fair Use

Small quantity Large portion or whole work used

Portion used is not central Portion used is central to work
or significant to entire work or "heart of the work"

Amount is appropriate for favored educational purpose

EFFECT

Favoring Fair Use Opposing Fair Use

User owns lawfully acquired Could replace sale of copyrighted work
or purchased copy of original work Significantly impairs market or potential

One or few copies made market for copyrighted work or derivative

No significant effect on the market or Reasonably available licensing mechanism
potential market for copyrighted work for use of the copyrighted work

No similar product marketed by the copyright holder Affordable permission available for using work

Lack of licensing mechanism Numerous copies made

You made it accessible on Web or in other public forum

Repeated or long-term use

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