

Fair Use Test

Is the copyrighted work being used for the purpose of education, criticism, comment or research?

- ☐ No. If not, the use probably doesn't qualify for the Fair Use defense
- ☐ Yes. If so, proceed to apply the four balancing factors below:

PURPOSE ☐ Use is for a non-profit/teaching objective ☐ Use is not primarily for entertainment* ☐ Use transforms the nature of the work (parody, review, commentary) ☐ Use will be limited/occasional	NATURE OF THE WORK BEING USED ☐ Non-fiction or a collection of facts (some use of fiction can be Fair Use, if the amount used is reasonable and meets other Fair Use criteria) ☐ Work being used is not specifically sold or marketed for use in the educational market
AMOUNT OF THE WORK ☐ Limited excerpts; a small portion of the work ☐ Portion used is not the "heart of the work" ☐ Work used does not exceed the amount needed to achieve the educational purpose ☐ Amount used is within the parameters set forth in the <i>Agreement for Guidelines on Classroom Copying</i>**	EFFECT ON THE MARKET ☐ Work will be used with current students (password protected if online) ☐ Copy is lawfully acquired ☐ One or a few copies made ☐ No significant effect on the market or potential market for the work ☐ Copyrighted work is out of print, or the copyright owner is unidentifiable

*Check Pittsford's movie licensing agreement for details surrounding public performance rights.

** See www.copyright.gov/circs/circ21.pdf

Is it reasonable to conclude that, in balance, the factors surrounding your use favor "Fair Use"?

No. Seek permission of the copyright owner. See your librarian with any questions.

- ☐ Yes. Don't forget to give credit to the creator of the work.

→ Consider keeping a copy of this worksheet in the event of an infringement claim.