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:_____

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- ❑ Unpublished work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
- ❑ No similar product marketed by the copyright holder
- ❑ 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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