

Fair Use Checklist

1. What is the PURPOSE/CHARACTER of the proposed use? Check all that apply.

<u>FAVORS FAIR USE</u>	<u>OPPOSES FAIR USE</u>
<input type="checkbox"/> Teaching	<input type="checkbox"/> Commercial purposes (<i>will it be sold?</i>)
<input type="checkbox"/> Research	<input type="checkbox"/> Profiting from the use
<input type="checkbox"/> Scholarship	<input type="checkbox"/> Entertainment
<input type="checkbox"/> Criticism	<input type="checkbox"/> Bad-faith behavior (<i>disregard for copyright law</i>)
<input type="checkbox"/> Commentary	<input type="checkbox"/> Denying credit to original author
<input type="checkbox"/> Nonprofit educational institution	
<input type="checkbox"/> Restricted access (<i>available only to students enrolled in course or other appropriate group</i>)	
<input type="checkbox"/> Transformative or productive use (<i>changes the work for new purpose; adds value to the work; or does not diminish the market for the original work</i>)	

2. What is the NATURE of the copyrighted work from which it will be used? Check all that apply.

<u>FAVORS FAIR USE</u>	<u>OPPOSES FAIR USE</u>
<input type="checkbox"/> Published work	<input type="checkbox"/> Unpublished work
<input type="checkbox"/> Factual or nonfiction based	<input type="checkbox"/> Highly creative work (<i>art, music, novels, films, plays</i>)
<input type="checkbox"/> Important to educational objectives	<input type="checkbox"/> Fiction

3. What PORTION of the copyrighted work will be used? Check all that apply.

"Portion" is both a quantitative and qualitative consideration. Using an entire work, or using the portion of a work that is the "heart of the work" may weigh against fair use.

<u>FAVORS FAIR USE</u>	<u>OPPOSES FAIR USE</u>
<input type="checkbox"/> Small quantity of work to be used	<input type="checkbox"/> Large portion or entire work to be used
<input type="checkbox"/> Portion used is not central or significant to entire work	<input type="checkbox"/> Portion used is central to work or "heart of the work"
<input type="checkbox"/> Amount is appropriate for educational purpose	<input type="checkbox"/> Fiction

4. What is the EFFECT on the market or potential market if this item is used? Check all that apply.

Reproduction that substitutes for the purchase of the original weighs heavily against fair use.

<u>FAVORS FAIR USE</u>	<u>OPPOSES FAIR USE</u>
<input type="checkbox"/> User owns lawfully acquired or purchased copy of original work	<input type="checkbox"/> Could replace sale of copyrighted work
<input type="checkbox"/> One or few copies made	<input type="checkbox"/> Significantly impairs market or potential market for copyrighted work or derivative
<input type="checkbox"/> No significant effect on the market or potential market for copyrighted work	<input type="checkbox"/> Reasonably available licensing mechanism for use of the copyrighted work
<input type="checkbox"/> No similar product marketed by the copyright holder	<input type="checkbox"/> Affordable license fee available for using work
<input type="checkbox"/> Lack of licensing mechanism	<input type="checkbox"/> Numerous copies made
<input type="checkbox"/> One-time, spontaneous use	<input type="checkbox"/> Made openly accessible on the Internet or in other public forum
	<input type="checkbox"/> Repeated or long-term use desired

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