

Checklist for Fair Use

The chart below is intended to assist you in keeping your own records for items you may be using under “Fair Use” provisions.

You may wish to complete and retain for your records a copy of this checklist for each use you are making of copyrighted material.

Name: _____ Date: _____

Institution: _____

Title: _____

Author: _____ Publication: _____

_____ Date: _____ Pages _____

Circle your intended purpose below.

Favoring Fair Use	Opposing Fair Use
Purpose	
Teaching (inc. multi 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)	
Nature	
Publish work	Unpublished work
Factual or nonfiction based	Highly creative work (art, music, novels films, plays)
Important to “favored” educational objectives	Fiction
Amount	
Small quantity	Large portion or whole work used
Portion used is not central or significant to entire work	Portion used is central to work or “heart of the work”

Amount is appropriate for favored educational purpose	
Effect	
User owns lawfully acquired or purchased copy of original work	Use could replace a sale of the copyrighted work
One of few copies made	Significantly impairs market or potential market for copyrighted work or derivative
No significant effect on the market copyrighted work	Reasonably available licensing mechanism for use of the copyrighted work and affordable permission available for using work.
No similar product marketed by the copyright holder	Numerous copies made
Lack of licensing mechanism	You made it accessible on Web or in other public forum. Repeated or long term use.