

## Checklist for Fair Use

*This document is provided to assist you in determining whether you may make or distribute print or electronic copies of materials without obtaining permission from the copyright holder.*

### Purpose

#### *Favoring Fair Use*

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit Educational Institution
- Restricted Access (to students or other appropriate group)

#### *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 Non-Fiction 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- Unpublished Work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