

## Fair Use Checklist

This chart can help to determine if the use you are intending meets Fair Use Guidelines. Please remember these are *guidelines*. Law (<http://www.copyright.gov/title17/92chap1.html#107>) is up to interpretation. We suggest highlighting all the aspects that apply to your intended use, and weighing the balance.

### Favoring Fair Use

### Opposing Fair Use

#### PURPOSE OF 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

- Commercial activity
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to original author

#### NATURE OF WORK

- Published work
- Factual or nonfiction based
- Important to favored educational objectives

- Unpublished work
- Highly creative work (art, music, novels, films, plays)
- Fiction

#### AMOUNT USED

- Small quantity
- Portion used is not central or significant to entire work
- Amount is appropriate for favored educational purpose

- Large portion or whole work used
- Portion used is central to work or “heart of work”

#### EFFECT ON MARKET

- User own 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

- 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

This chart is based on a document created by Professor Kenneth Crews and the staff of the Copyright Management Center at Indiana University-Purdue University Indianapolis.