

Fair Use Checklist Criteria

Instructor _____ Date _____ Title of Work _____

Desired use _____

Retain a copy of this document. Complete a new form for each resource & use.

Purpose of the Use

Favorable

- ☐ Teaching / Instruction / Classroom Use
- ☐ Research / Scholarship
- ☐ Criticism / Commentary / News Reporting
- ☐ Parody
- ☐ Non-Profit Use
- ☐ Transformative Use (i.e. change the work for new purpose)
- ☐ Restricted Access (i.e. enrolled students only)

Against

- ☐ Commercial / Promotional Use
- ☐ Entertainment
- ☐ Decorative (not critical) / Non-Commentary Use
- ☐ Denying Credit to Original Author
- ☐ Profit-Generating Use
- ☐ ***Coursepacks never qualify for Fair Use***

Nature of the Copyrighted Material

Favorable

- ☐ Factual / Nonfiction
- ☐ Published Work
- ☐ Important to Educational Objectives

Against

- ☐ Creative / Artistic / Fiction
- ☐ Unpublished Work
- ☐ Marketed to Educational Institutions/Students

Amount Used

Favorable

- ☐ Small Quantity Used (see guidelines)
- ☐ Portion is Peripheral to the Entire Work
- ☐ Amount is Appropriate for Educational Purpose

Against

- ☐ Large Portion or Whole Work Used
- ☐ Portion is Central/Significant to the Work ("heart of the work")
- ☐ Includes More than Necessary for Educational Purpose

Effect on the Market

Favorable

- ☐ Legally Purchased/Acquired Copy of the Work
- ☐ License/Terms-of-Use Does Not Prohibit Use
- ☐ One-Time, Spontaneous Use (No Time to Obtain Permission)
- ☐ One or Few Copies Made
- ☐ No Similar Product Marketed By Copyright Holder
- ☐ Absence of Licensing Mechanism
- ☐ Restricted Access (i.e. limit to students in course)
- ☐ No Significant Effect on the (Potential) Market for the Work

Against

- ☐ ***Illegal Copies Never Permitted***
- ☐ ***License Prohibits/Restricts Use (Do Not Proceed)***
- ☐ ***Repeated/Long-Term Use Requires Permission***
- ☐ Numerous Copies Made
- ☐ Could Deprive Sale of Copyrighted Work
- ☐ Available Licensing for Use of the Work
- ☐ Making the Work Publicly Available (i.e. website)
- ☐ Significantly Impairs (Potential) Market for the Work or Derivative