

Fair Use Checklist

For Fair Use

Opposing Fair Use

Purpose

- Teaching
- 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

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

- Unpublished work
- Highly creative work (art, novels, etc.)
- Fiction

Amount

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

- Large portion or whole work used
- Portion used is central to work

Effect

- User owns lawfully acquired copy of original work
- One or few copies made
- No significant effect on the market or potential market for the work
- No similar product marketed by the copyright holder
- Lack of licensing mechanism

- Could replace sale of work
- Significantly impairs market for work
- Reasonably available licensing
- Affordable permission available
- Numerous copies made
- You make it publicly accessible
- Repeated or long term use