

Checklist for Fair Use

PURPOSE

Favoring Fair Use

Opposing Fair Use

- | | |
|--|--|
| <input type="checkbox"/> Teaching (including multiple copies for classroom use) | <input type="checkbox"/> Commercial activity |
| <input type="checkbox"/> Research | <input type="checkbox"/> Profiting from the use |
| <input type="checkbox"/> Scholarship | <input type="checkbox"/> Entertainment |
| <input type="checkbox"/> Nonprofit Educational Institution | <input type="checkbox"/> Bad-faith behavior |
| <input type="checkbox"/> Criticism | <input type="checkbox"/> Denying credit to original author |
| <input type="checkbox"/> Comment | |
| <input type="checkbox"/> News reporting | |
| <input type="checkbox"/> Transformative or Productive use (changes the work for new utility) | |
| <input type="checkbox"/> Restricted access (to students or other appropriate group) | |
| <input type="checkbox"/> Parody | |

NATURE

Favoring Fair Use

Opposing Fair Use

- | | |
|--|--|
| <input type="checkbox"/> Published work | <input type="checkbox"/> Unpublished work |
| <input type="checkbox"/> Factual or nonfiction based | <input type="checkbox"/> Highly creative work (art, music, novels, films, plays) |
| <input type="checkbox"/> Important to favored educational objectives | <input type="checkbox"/> Fiction |

AMOUNT

Favoring Fair Use

Opposing Fair Use

- | | |
|--|---|
| <input type="checkbox"/> Small quantity | <input type="checkbox"/> Large portion or whole work used |
| <input type="checkbox"/> Portion used is not central or significant to entire work | <input type="checkbox"/> Portion used is central to work or "heart of the work" |
| <input type="checkbox"/> Amount is appropriate for favored educational purpose | |

EFFECT

Favoring Fair Use

Opposing Fair Use

- | | |
|---|--|
| <input type="checkbox"/> User owns lawfully acquired or purchased copy of original work | <input type="checkbox"/> Could replace sale of copyrighted work |
| <input type="checkbox"/> One or few copies made | <input type="checkbox"/> Significantly impairs market or potential market for copyrighted work or derivative |
| <input type="checkbox"/> No significant effect on the market or potential market for copyrighted work | <input type="checkbox"/> Reasonably available licensing mechanism for use of the copyrighted work |
| <input type="checkbox"/> No similar product marketed by the copyright holder | <input type="checkbox"/> Affordable permission available for using work |
| <input type="checkbox"/> Lack of licensing mechanism | <input type="checkbox"/> Numerous copies made |
| | <input type="checkbox"/> You made it accessible on Web or in other public forum |
| | <input type="checkbox"/> Repeated or long-term use |

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