

Fair Use Checklist

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Name: \_\_\_\_\_

Institution: \_\_\_\_\_

Project: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: \_\_\_\_\_

## Nature

### **Favoring Fair Use**

- Published work
- Factual or nonfiction 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- Unpublished work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 or “heart of the work”

## Effect

### **Favoring Fair Use**

- User owns lawfully purchased or acquired 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 the Web or in other public forum
- Repeated or long-term use