Fair Use Checklist

Name: ________________________________________________________________________
Institution: _____________________________________________________________________
Project: ________________________________________________________________________
Date: _________________________________________________________________________
Prepared by: __________________________________________________________________

Purpose

**Favoring Fair Use**
- Teaching (including multiple copies for Commercial activity 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

**Opposing Fair Use**
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to original author
### Nature

**Favoring Fair Use**

- Published work
- Factual or nonfiction based

**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- Unpublished work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
- 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 to entire work”
- Using more than is necessary for intended educational purpose

### Effect

**Favoring Fair Use**

- User owns lawfully purchased or acquired copy of original work
- One or few copies made

**Opposing Fair Use**

- Could replace sale of copyrighted work
- Significantly impairs market or potential market for copyrighted work or derivative
Effect (cont.)

- [ ] No significant effect on the market or potential market for copyrighted work
- [ ] Reasonably available licensing mechanism for use of the copyrighted work
- [ ] No similar product marketed by the copyright holder
- [ ] Affordable permission available for using
- [ ] Lack of licensing mechanism
- [ ] Numerous copies made
- [ ] You made it accessible on the Web or in other public forum
- [ ] Repeated or long-term use

Adapted from Kenneth D. Crews, former Director, Columbia University Libraries Copyright Advisory Office. http://copyright.columbia.edu
PSU Library 06/17