

Fair Use Checklist

Adapted from "Fair Use Checklist" by Columbia University Libraries [CC BY 4.0](https://creativecommons.org/licenses/by/4.0/)

Use the following criteria to decide whether each of the 4 factors is more likely to favor or oppose Fair Use. The sum of your responses will help you weigh your determination of Fair Use eligibility for use of materials without asking permission.

Purpose

Favors Fair Use

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit educational institution
- Criticism
- Comment
- News reporting
- Transformative or productive use (changes the work for new utility)
- Restricted access (i.e. Canvas course)
- Parody

Opposes Fair Use

- Commercial activity
- Profiting from use
- Entertainment
- Bad-faith behavior
- Denying credit to original author

Nature

Favors Fair Use

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

Opposes Fair Use

- Unpublished work
- Highly creative work (art, music, novels, films)
- Fiction

Amount

Favors Fair Use

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

Opposes Fair Use

- Large portion or whole work used
- Portion used is central to or "heart of work"

Effect

Favors Fair Use

User owns lawfully purchased or acquired copy of original

One or few copies made

No significant effect on market or potential market for copyrighted work or derivative

No similar product marketed by the copyright holder

Lack of licensing mechanism

Opposes Fair Use

Could replace sale of copyrighted work

Significantly impairs market or potential market for copyrighted work or derivative

Reasonable 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