



### Fair Use Checklist

Are you using an original work? The use of an original work is permitted by law under certain circumstances called *Fair Use*. Determining the *Fair Use* of an original work is the responsibility of the **user**, and requires **critical thinking**. Use this checklist to help you determine your rights and obligations for *Fair Use*.

Think in terms of **purpose**, **nature**, **amount**, and **effect**.

#### Purpose

Favoring Fair Use	Opposing Fair Use
<input type="checkbox"/> Teaching	<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 (changes it for new use)	
<input type="checkbox"/> Restricted access (ex: to students)	
<input type="checkbox"/> Parody	

#### Nature

Favoring Fair Use	Opposing Fair Use
<input type="checkbox"/> Published	<input type="checkbox"/> Unpublished
<input type="checkbox"/> Factual or nonfiction	<input type="checkbox"/> Highly creative (art, novel, play, music, film)
<input type="checkbox"/> Important to educational objectives	<input type="checkbox"/> Fiction

#### Amount

Favoring Fair Use	Opposing Fair Use
<input type="checkbox"/> Small quantity	<input type="checkbox"/> Large portion or entire work
<input type="checkbox"/> Portion used is not central to entire work	<input type="checkbox"/> Portion used is central to the work
<input type="checkbox"/> Amount is appropriate for educational purpose	

#### Effect

Favoring Fair Use	Opposing Fair Use
<input type="checkbox"/> User lawfully owns original work	<input type="checkbox"/> Could replace sale of work
<input type="checkbox"/> One or few copies made	<input type="checkbox"/> Impairs market for work
<input type="checkbox"/> No significant effect on market for work	<input type="checkbox"/> Licensing mechanism available
<input type="checkbox"/> No similar product marketed by copyright holder	<input type="checkbox"/> Affordable permission available
<input type="checkbox"/> No licensing mechanism	<input type="checkbox"/> Numerous copies made
	<input type="checkbox"/> Making it publicly accessible (ex: on Web)
	<input type="checkbox"/> Repeated or long-term use

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