

# Fair Use Checklist

Name: Institution:	Project:	Date of Evaluation:
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## Purpose

<b>Favoring Fair Use</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Teaching (including multiple copies for classroom use)</li><li><input type="checkbox"/> Research</li><li><input type="checkbox"/> Scholarship</li><li><input type="checkbox"/> Nonprofit educational institution</li><li><input type="checkbox"/> Criticism</li><li><input type="checkbox"/> Comment</li><li><input type="checkbox"/> News reporting</li><li><input type="checkbox"/> Transformative or productive use (changes the work for new utility)</li><li><input type="checkbox"/> Restricted access (to students or other group)</li><li><input type="checkbox"/> Parody</li></ul>	<b>Opposing Fair Use</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Commercial activity</li><li><input type="checkbox"/> Profiting from the use</li><li><input type="checkbox"/> Entertainment</li><li><input type="checkbox"/> Bad-faith behavior</li><li><input type="checkbox"/> Denying credit to original author</li></ul>
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## Nature

<b>Favoring Fair Use</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Published work</li><li><input type="checkbox"/> Factual or nonfiction based</li><li><input type="checkbox"/> Important to favored educational objectives</li></ul>	<b>Opposing Fair Use</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Unpublished work</li><li><input type="checkbox"/> Highly creative work (art, music, novels, films, plays)</li><li><input type="checkbox"/> Fiction</li></ul>
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## Amount

<b>Favoring Fair Use</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Small quantity</li><li><input type="checkbox"/> Portion used is not central or significant to entire work</li><li><input type="checkbox"/> Amount is appropriate for educational purpose</li></ul>	<b>Opposing Fair Use</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Large portion or whole work used</li><li><input type="checkbox"/> Portion used is central to or “heart of the work”</li></ul>
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## Effect

<b>Favoring Fair Use</b> <ul style="list-style-type: none"><li><input type="checkbox"/> User owns lawfully purchased or acquired copy of original work</li><li><input type="checkbox"/> One or few copies made</li><li><input type="checkbox"/> No significant effect on the market or potential market for copyrighted work</li><li><input type="checkbox"/> No similar product marketed by the copyright holder</li><li><input type="checkbox"/> Lack of licensing mechanism</li></ul>	<b>Opposing Fair Use</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Could replace sale of copyrighted work</li><li><input type="checkbox"/> Significantly impairs market or potential market for copyrighted work or derivative</li><li><input type="checkbox"/> Reasonably available licensing mechanism for use of the copyrighted work</li><li><input type="checkbox"/> Affordable permission available for using work</li><li><input type="checkbox"/> Numerous copies made</li><li><input type="checkbox"/> You made it accessible on the Web or in other public forum</li><li><input type="checkbox"/> Repeated or long-term use</li></ul>
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