FAIR USE CHECKLIST

This tool is intended to help you determine if your proposed copying and distributing of copyrighted materials is covered by the fair use exemption. Please complete and retain a copy of this form for each “fair use.”

Check all boxes that apply. When the boxes that favor “fair use” outnumber the boxes against, the fair use exemption can be claimed. When less than half the factors favor “fair use,” permission should be obtained before copying or disseminating.

<table>
<thead>
<tr>
<th>Considerations in <strong>Favor of Fair Use</strong></th>
<th>Considerations in <strong>Opposition to Fair Use</strong></th>
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</thead>
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### PURPOSE OF THE USE

- Nonprofit Educational (teaching)
- Research
- Criticism, parody, or news
- Transformative use (alters the work for a new purpose)
- For profit or commercial activity
- Entertainment
- For publication or public distribution
- Non-transformative

### NATURE OF THE USE

- Published work
- Nonfiction or factual in nature
- Essential to desired educational outcomes
- Unpublished work
- Highly creative (e.g. films, novels, plays, art, music)
- Consumable work (lab books, tests)

### AMOUNT OF THE USE

- A small quantity or portion of work
- Proposed portion is not central or significant to the entire work
- A large quantity or portion of the work
- The proposed portion is central to the entire work

### EFFECT OF THE USE

- User owns lawfully acquired or purchased copy of original work
- Spontaneous, one-time use (no time in advance to obtain permission)
- There is no significant effect on the market for the copyrighted work
- No longer in print and/or an absence of licensing mechanism
- Restricted access (limited to a class audience)
- One or a few copies made
- Cumulative amount of copyright could replace sale of copyrighted work
- Repeated or long-term use
- Impairs markets for the copyrighted work
- Reasonably available and affordable licensing mechanism to use the work
- You will make it publicly available on the Web or in some public forum
- Numerous copies made