# **Fair Use Checklist**

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| **Purpose** |
| **Favoring Fair Use*** Teaching (including multiple copies for classroom use)
* Research
* Scholarship
* Nonprofit educational institution
* Criticism
* Comment
* News reporting
* Transformative use (alters the original work in acreative manner)
* Transformative use (uses the work for a purpose other than the original purpose)
* Restricted access
* Parody
 | **Opposing Fair Use*** Commercial activity
* Profiting from the use
* Straight reproduction (copying without modification)
* Nontransformative use
* Entertainment
* Bad-faith behavior
* Denying credit to original author
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| **Nature** |
| **Favoring Fair Use*** Published work
* Factual or nonfiction-based
* Important to favored educational objectives
 | **Opposing Fair Use*** Unpublished work
* Highly creative work (art, music, novels, films, plays)
* Fiction
* Consumable work
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| **Amount** |
| **Favoring Fair Use*** Small quantity
* Portion used is not central or significant to entire work
* Amount used is tailored to meet the favored purpose
 | **Opposing Fair Use*** Large portion or whole work used beyond the favored purpose
* Portion used could interfere with a reasonable market for the use (e.g., multiple chapters from a single book)
* Portion used is central to work or "heart of the work"
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| **Effect** |
| **Favoring Fair Use*** User owns lawfully acquired or purchased copy of

original work* Few or modest number of copies made
* No significant effect on the market or potential market for

copyrighted work* No similar product marketed by the copyright holder
* Lack of a reasonable licensing mechanism for the work and the intended use
 | **Opposing Fair Use*** Straight copying that is not transformative
* Portion used could interfere with a reasonable market

for the use or derivatives (e.g., multiple chapters from a single book)* Reasonably available licensing mechanism for the useof the copyrighted work
* Affordable permission available for using work
* Numerous copies made
* Posted to the internet or otherwise madewidely accessible
* Repeated or long-term use
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