# **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 a creative 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 |
| **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Published work * Factual or nonfiction-based * Important to favored educational objectives | **Opposing Fair Use**   * Unpublished work * Highly creative work (art, music, novels, films, plays) * Fiction * Consumable work |
| **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" |
| **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 use of the copyrighted work * Affordable permission available for using work * Numerous copies made * Posted to the internet or otherwise made widely accessible * Repeated or long-term use |