

FAIR USE FACTORS CHECKLIST

This checklist can be used to help determine if your use of a copyrighted work falls within the fair use exception to copyright.

Submitter: _____ Organization/Dept: _____
Please Print Name

Exact Title of Handout: _____ Date: _____

Submitter's Signature: _____ W.O.# _____ (Assigned by GCS)

Purpose of Use	
<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> Teaching (including classroom use copies) <input type="checkbox"/> Research <input type="checkbox"/> Scholarship <input type="checkbox"/> Nonprofit Educational Institution <input type="checkbox"/> Criticism <input type="checkbox"/> Changing the work for a new utility <input type="checkbox"/> Parody	<input type="checkbox"/> Commercial activity <input type="checkbox"/> Profiting from the use <input type="checkbox"/> Entertainment <input type="checkbox"/> Denying credit to original author
Nature of work	
<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> Published work <input type="checkbox"/> Factual or Nonfiction based <input type="checkbox"/> Important to favored educational objectives	<input type="checkbox"/> Unpublished work <input type="checkbox"/> Highly creative work (art, music, plays, etc.) <input type="checkbox"/> Fiction
Amount Used	
<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> Small Quantity <input type="checkbox"/> Portion used is not central to entire work <input type="checkbox"/> Appropriate portions for educational purpose	<input type="checkbox"/> Large portion or whole work used <input type="checkbox"/> Portion used is central to work
Market Effect	
<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> User lawfully acquired or purchased copy of original work <input type="checkbox"/> One or few copies made <input type="checkbox"/> No significant effect on the market or potential market for copyrighted work <input type="checkbox"/> Lack of licensing mechanism	<input type="checkbox"/> Avoids payment of royalties/permission <input type="checkbox"/> Significantly impairs market or potential market for copyrighted work or derivatives <input type="checkbox"/> Licensing mechanism is reasonably available <input type="checkbox"/> Permission is available <input type="checkbox"/> Numerous copies made <input type="checkbox"/> Placed it on Web or other public forum <input type="checkbox"/> Repeated or long term use