

# FAIR USE CHECKLIST

## PURPOSE

<u>Favoring Fair Use</u> <ul style="list-style-type: none"><li><input type="checkbox"/> Using for instruction, course websites; access restricted to registered students</li><li><input type="checkbox"/> Using for scholarly research, personal use, study</li><li><input type="checkbox"/> Student use to complete assignment</li><li><input type="checkbox"/> Transformative use, creates a new work with a new purpose</li><li><input type="checkbox"/> Using for criticism, commentary, news reporting</li></ul>	<u>Opposing Fair Use</u> <ul style="list-style-type: none"><li><input type="checkbox"/> Using for commercial activity</li><li><input type="checkbox"/> No attribution to original authors</li><li><input type="checkbox"/> Profiting from use</li><li><input type="checkbox"/> Using for publication</li><li><input type="checkbox"/> Using for public distribution</li></ul>
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## NATURE

<u>Favoring Fair Use</u> <ul style="list-style-type: none"><li><input type="checkbox"/> Published work</li><li><input type="checkbox"/> Factual work</li><li><input type="checkbox"/> Non-fiction</li></ul>	<u>Opposing Fair Use</u> <ul style="list-style-type: none"><li><input type="checkbox"/> Unpublished work</li><li><input type="checkbox"/> Creative, imaginative, artistic work</li><li><input type="checkbox"/> Consumable work</li><li><input type="checkbox"/> Once used is unusable by others</li></ul>
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## AMOUNT

<u>Favoring Fair Use</u> <ul style="list-style-type: none"><li><input type="checkbox"/> Using small excerpt, extract, or clip</li><li><input type="checkbox"/> Only portion needed for favored educational purpose</li></ul>	<u>Opposing Fair Use</u> <ul style="list-style-type: none"><li><input type="checkbox"/> Using entire or large portion of work</li><li><input type="checkbox"/> Portion used is "heart of the work"</li></ul>
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## MARKET EFFECT

<u>Favoring Fair Use</u> <ul style="list-style-type: none"><li><input type="checkbox"/> One or few copies made of new work</li><li><input type="checkbox"/> Use stimulates market for original work</li><li><input type="checkbox"/> No impact on market for original work</li><li><input type="checkbox"/> No licensing mechanism in place for original work</li></ul>	<u>Opposing Fair Use</u> <ul style="list-style-type: none"><li><input type="checkbox"/> New work impairs market for original work</li><li><input type="checkbox"/> Repeated use, when market exists for work (using work without purchasing)</li><li><input type="checkbox"/> Licensing mechanism for use is available</li><li><input type="checkbox"/> Making multiple copies, not for educational purpose</li></ul>
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