Fair Use Checklist
C. L. Wilson Library
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The following Checklist for Fair Use is based on a document created by Professor Kenneth Crews and the staff of the Copyright Management Center at Indiana University-Purdue University Indianapolis. Based on the four factors of fair use—purpose, nature, amount and effect—the checklist was created to help educators, librarians and others evaluate content uses to determine if fair use applies. This tool provides an important means for recording your fair use analysis, which is critical to establishing "reasonable and good-faith" attempts to apply fair use.

Your Name: **Your Job Title:** **Date of Use:** **Title of the Work:** **Author/Copyright Holder:** **Publication Status:** **Publisher:** **Publication Year:** **Describe the Work:**

Purpose

Describe the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes.

Factors Favoring Fair Use	*Factors Opposing Fair Use*
Teaching (including multiple copies for classroom use)	Commercial Activity
Research	Profiting from the use
Scholarship	Entertainment
Nonprofit educational institution	Bad-faith behavior
Criticism	Denying credit to original author
Comment	
News reporting	
Transformative or productive use (change the work for new utility)	
Restricted access (to students or other appropriate group)	
Parody	

Nature	
Describe the nature of the copyrighted work; (fiction/creative or nonfiction/factual)	
Factors Favoring Fair Use	*Factors Opposing Fair Use*
Published work	Unpublished work
Factual or nonfiction based	Highly creative work (art, music, novels, films, plays)
Important to favored educational objectives	Fiction

Amount	
Describe the amount and substantiality of the portion used in relation to the copyrighted work as a whole.	
Factors Favoring Fair Use	*Factors Opposing Fair Use*
Small quantity	Large portion or whole work used
Portion used is not central or significant to entire work	Portion used is central to or "heart of the work"
Amount is appropriate for favored educational purpose	

Purpose	
Describe the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes.	
Factors Favoring Fair Use	*Factors Opposing Fair Use*
User owns lawfully purchased or acquired copy of the original work	Could replace sale of copyrighted work
One or few copies made	Significantly impairs market or potential market for copyrighted work or derivative
No significant effect on the market or potential market for the copyrighted work	Reasonably available licensing mechanism for use of the copyrighted work
Lack of licensing mechanism	Affordable permission available for using the work
	Numerous copies made
	You made it accessible on the Web or in other public forum
	Repeated or long-term use

Conclusion