



Fair Use Checklist

Adapted from IUPUI Copyright Management Center and Dr. Kenneth Crews, J.D., May 2007

Favoring	Opposing
Fair Use Factor #1: Purpose of the Work <ul style="list-style-type: none">• Teaching (including multiple copies for classroom use)• Research or scholarship• Nonprofit educational institutional use• Criticism or comment• News reporting• It is a transformative or productive use (the use changes the work for a new utility)• It is a parody	Fair Use Factor #1: Purpose of the Work <ul style="list-style-type: none">• It is a commercial use or activity• Profiting from the use• It is used for entertainment• A bad-faith behavior is involved• Denying credit to the original author
Fair Use Factor #2: Nature of the Work <ul style="list-style-type: none">• It is a published work• It is factual or non-fiction based• The use is important to favored instructional objectives	Fair Use Factor #2: Nature of the Work <ul style="list-style-type: none">• It is an unpublished work• It is a highly creative work (artwork, graphics, music, novels, plays, commercial movies)• It is fiction
Fair Use Factor #3: Amount of the Work <ul style="list-style-type: none">• A small quantity is used• The portion used is not central to the work (it is not the "heart of the work")• The amount used is appropriate for the favored educational purpose	Fair Use Factor #3: Amount of the Work <ul style="list-style-type: none">• A large portion or the entire work is used• The portion used is central to the work or it is the "heart of the work"
Fair Use Factor #4: Effect of the Work <ul style="list-style-type: none">• The user (or the department or library) owns a lawfully acquired or purchased copy of the original work• One or a few copies are made• The use has no significant effect on the market or potential market for the copyrighted work• There is no similar product marketed by the copyrighted holder• There is a lack of licensing mechanism	Fair Use Factor #4: Effect of the Work <ul style="list-style-type: none">• The use could replace the sale of the copyrighted work• The use significantly impairs the market or potential market for the copyrighted or derivative work• There is a reasonably available licensing mechanism for use of the copyrighted work• There is affordable permission available for using the copyrighted work• Numerous copies are made• The work is made available via the Internet or in another public form without encryption• There is repeated or long-term use