

# COPYRIGHT BASICS: FAIR USE

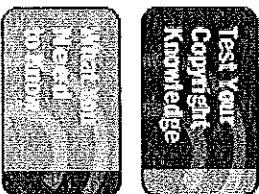
## Determining Fair Use

### Exceptions for Libraries and Archives

### Exceptions for the use of Materials in an Educational Setting

## Fair Use Check List

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. [Click here for more information on the Copyright Management Center at Indiana University-Purdue University Indianapolis.](#)



### Purpose

#### Favoring Fair Use

#### Opposing Fair Use

- |  |  |
|--|--|
| <input type="checkbox"/> Directly related to classroom use                                   | <input type="checkbox"/> Commercial activity               |
| <input type="checkbox"/> Research  | <input type="checkbox"/> Profiting from the use            |
| <input type="checkbox"/> Scholarship   | <input type="checkbox"/> Entertainment                     |
| <input type="checkbox"/> Nonprofit Educational Institution                                   | <input type="checkbox"/> Bad-faith behavior                |
| <input type="checkbox"/> Criticism   | <input type="checkbox"/> Denying credit to original author |
| <input type="checkbox"/> Comment   |  |
| <input type="checkbox"/> News reporting  |  |
| <input type="checkbox"/> Transformative or Productive use (changes the work for new utility) |  |
| <input type="checkbox"/> Restricted access (to students or other appropriate group)          |  |

- Parody

**Nature**

**Favoring Fair Use**

**Opposing Fair Use**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Published work</li> <li><input type="checkbox"/> Factual or nonfiction based</li> <li><input type="checkbox"/> Important to favored educational objectives</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Unpublished work</li> <li><input type="checkbox"/> Highly creative work (art, music, novels, films, plays)</li> <li><input type="checkbox"/> Fiction</li> </ul> |
|---|---|

**Amount**

**Favoring Fair Use**

**Opposing Fair Use**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Small quantity</li> <li><input type="checkbox"/> Portion used is not central or significant to entire work</li> <li><input type="checkbox"/> Amount is appropriate for favored educational purpose</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Large portion or whole work used</li> <li><input type="checkbox"/> Portion used is central to work or "heart of the work"</li> </ul> |
|---|--|

**Effect**

**Favoring Fair Use**

**Opposing Fair Use**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> User owns lawfully acquired or purchased copy of original work</li> <li><input type="checkbox"/> One or few copies made</li> <li><input type="checkbox"/> No significant effect on the market or potential market for copyrighted work</li> <li><input type="checkbox"/> No similar product marketed by the copyright holder</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Could replace sale of copyrighted work</li> <li><input type="checkbox"/> Impairs market or potential market for copyrighted work or derivative</li> <li><input type="checkbox"/> Available licensing mechanism for use of the copyrighted work</li> <li><input type="checkbox"/> Permission available for using work</li> </ul> |
|---|---|

- Numerous copies made
- You made it accessible on Web or in other public forum
- Repeated or long term use

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