

Copyright – “Fair Use” Checklist

PURPOSE

Likely to be Fair Use

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit Educational Institution
- Criticism
- Comment
- News reporting
- Transformative or Productive use (changes the work for new utility)
- Restricted access (to students or other appropriate group)
- Parody

Likely Not to be Fair Use

- Commercial activity
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to original author

NATURE

Likely to be Fair Use

- Published work
- Factual or nonfiction based
- Important to favored educational objectives

Likely Not to be Fair Use

- Unpublished work
- Highly creative work (art, music, novels, films, plays)
- Fiction

AMOUNT

Likely to be Fair Use

- Small quantity
- Portion used is not central to the work
- Amount is appropriate for favored educational purpose

Likely Not to be Fair Use

- Large portion or whole work used
- Portion used is central or significant to entire work

EFFECT

Likely to be Fair Use

- User owns lawfully acquired or purchased copy of original work
- One or few copies made
- No significant effect on the market or potential market for copyrighted work
- No similar product marketed by the copyright holder
- Lack of licensing mechanism

Likely Not to be Fair Use

- Could replace sale of copyrighted work
- Significantly impairs market or potential market for copyrighted work or derivative
- Reasonably available licensing mechanism for use of the copyrighted work
- Affordable permission available for using work
- Numerous copies made
- You made it accessible on Web or in other public forum
- Repeated or long-term use

This checklist is from the Copyright Management Center, IUPUI, 530 W. New York St., Indianapolis, IN 46202. For more information, visit <http://www.copyright.iupui.edu>.

A number of resources to assist in understanding copyright law and the fair use doctrine are available free of charge. *Know Your Copy Rights* is a brochure of the American Research Libraries (ARL) www.arl.org prepared for use by faculty and teaching assistants. A free downloadable version of the brochure is available at www.knowyourcopyrights.org.