

10-20-2010

## Checklist for Fair Use

Dwayne Buttler  
*University of Louisville*

Follow this and additional works at: [http://opensiuc.lib.siu.edu/morris\\_events](http://opensiuc.lib.siu.edu/morris_events)

---

### Recommended Citation

Buttler, Dwayne, "Checklist for Fair Use" (2010). *Events*. Paper 2.  
[http://opensiuc.lib.siu.edu/morris\\_events/2](http://opensiuc.lib.siu.edu/morris_events/2)

This Article is brought to you for free and open access by the Morris Library at OpenSIUC. It has been accepted for inclusion in Events by an authorized administrator of OpenSIUC. For more information, please contact [opensiuc@lib.siu.edu](mailto:opensiuc@lib.siu.edu).

# CHECKLIST FOR FAIR USE

Please complete and retain a copy of this form in connection with each possible "fair use" of a copyrighted work for your project

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Project: \_\_\_\_\_

Item Description: \_\_\_\_\_

Institution: \_\_\_\_\_ Prepared by: \_\_\_\_\_

---

## PURPOSE

*Favoring Fair Use*

*Opposing Fair Use*

- |  |  |
|--|--|
| <input type="checkbox"/> Teaching (including multiple copies for 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)          |  |
| <input type="checkbox"/> Parody  |  |

---

## NATURE

*Favoring Fair Use*

*Opposing Fair Use*

- |  |  |
|--|--|
| <input type="checkbox"/> Published work                              | <input type="checkbox"/> Unpublished work  |
| <input type="checkbox"/> Factual or nonfiction based                 | <input type="checkbox"/> Highly creative work (art, music, novels, films, plays) |
| <input type="checkbox"/> Important to favored educational objectives | <input type="checkbox"/> Fiction   |

---

## AMOUNT

*Favoring Fair Use*

*Opposing Fair Use*

- |  |   |
|--|---|
| <input type="checkbox"/> Small quantity  | <input type="checkbox"/> Large portion or whole work used                       |
| <input type="checkbox"/> Portion used is not central or significant to entire work | <input type="checkbox"/> Portion used is central to work or "heart of the work" |
| <input type="checkbox"/> Amount is appropriate for favored educational purpose     |   |

---

## EFFECT

*Favoring Fair Use*

*Opposing Fair Use*

- |   |  |
|---|--|
| <input type="checkbox"/> User owns lawfully acquired or purchased copy of original work               | <input type="checkbox"/> Could replace sale of copyrighted work  |
| <input type="checkbox"/> One or few copies made   | <input type="checkbox"/> Significantly impairs market or potential market for copyrighted work or derivative |
| <input type="checkbox"/> No significant effect on the market or potential market for copyrighted work | <input type="checkbox"/> Reasonably available licensing mechanism for use of the copyrighted work            |
| <input type="checkbox"/> No similar product marketed by the copyright holder                          | <input type="checkbox"/> Affordable permission available for using work                                      |
| <input type="checkbox"/> Lack of licensing mechanism  | <input type="checkbox"/> Numerous copies made  |
|   | <input type="checkbox"/> You made it accessible on Web or in other public forum                              |
|   | <input type="checkbox"/> Repeated or long-term use   |