CHECKLIST FOR FAIR USE ANALYSIS

Fair use analysis is never entirely certain. This checklist is a tool to help you determine whether you may make or distribute copies (i.e., put a copy in Sakai) of a work protected by copyright without permission from the copyright holder. If fewer than half the circumstances favor fair use, you should use a coursepack or put a paper copy on reserve in the library.

It is recommended that you complete and retain a copy of this form in connection with each "fair use" of a copyrighted work, and be sure to properly cite the work when using it in Sakai, and include a copyright notice.

Class: ________________________________ Date: ________________________________

Title of work: ____________________________________________________________

Portion to be used: ________________________________________________________

FACTOR ONE — PURPOSE OF THE USE

**Favoring Fair Use**
- Educational
  - Teaching (including multiple copies for classroom use)
  - Research
  - Scholarship
  - Criticism
  - Comment
- Transformative or Productive use
  (changes the work to serve a new purpose)
- Nonprofit use

**Disfavoring Fair Use**
- Commercial, entertainment or other use
- Verbatim or exact copy, not transformative
- Profit generating user

FACTOR TWO — NATURE OF THE COPYRIGHTED MATERIAL

**Favoring Fair Use**
- Factual, nonfiction, news
- Published work

**Disfavoring Fair Use**
- Creative or consumable work (Art, music, feature film, fiction; workbook, case study, or test
- Unpublished work
### Factor Three — Amount Copied

<table>
<thead>
<tr>
<th>Favoring Fair Use</th>
<th>Disfavoring Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Small quantity used <em>(e.g. single chapter or journal article, other short excerpt, less than 10-15% of the whole work)</em></td>
<td>□ Large portion or entire work</td>
</tr>
<tr>
<td>□ Portion used is not central to work as a whole</td>
<td>□ Portion used is central or the &quot;heart&quot; of the work</td>
</tr>
<tr>
<td>□ Amount is appropriate to the educational purpose</td>
<td>□ Includes more than necessary for educational purpose</td>
</tr>
</tbody>
</table>

### Factor Four — Effect on the Market for the Original

<table>
<thead>
<tr>
<th>Favoring Fair Use</th>
<th>Disfavoring Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ No significant effect on the market or potential market for the copyrighted work</td>
<td>□ Cumulative effect of copying would be to substitute for purchase of work</td>
</tr>
<tr>
<td>□ One or few copies made and/or distributed</td>
<td>□ Numerous copies are made and/or distributed</td>
</tr>
<tr>
<td>□ No longer in print; absence of licensing mechanism</td>
<td>□ Reasonably available licensing mechanism for obtaining permission exists (CCC license or off-prints for sale)</td>
</tr>
<tr>
<td>□ Restricted access (Limited to students in a class or other appropriate group)</td>
<td>□ Copy will be available on the web or otherwise broadly distributed</td>
</tr>
<tr>
<td>□ One-time, spontaneous use (no time to obtain permission)</td>
<td>□ Repeated or long-term use</td>
</tr>
</tbody>
</table>

Based on "Checklist for Fair Use," a project of the IUPUI Copyright Management Center, directed by Kenneth D. Crews, Associate Dean of the Faculties for Copyright Management.