Fair Use Checklist

This fair use checklist is a modified version of the Fair Use Checklist that is included as part of Schoolcraft College Policy Policy 3112.1. The contents are a standard used in other fair use policies. These contents also serve as the basis for the "Fair Use" tutorial which is part of *Resources for Researchers*.

http://writing.stevenlberg.info/tutorials/fair-use/index.html

Purpose

Favoring Fair Use

☐ Teaching (including multiple copies for activity 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

Opposing Fair Use

☐ Commercial

☐ Profiting from the use

☐ Entertainment

☐ Bad-faith

behavior

☐ Denying credit to original author

Nature

Favoring Fair Use

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

Opposing Fair Use

- ☐ Unpublished work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

Amount

Favoring Fair Use

- ☐ Small quantity
- ☐ Portion used is not central or significant to entire work
- ☐ Amount is appropriate for favored educational purpose

Opposing Fair Use

- ☐ Large portion or whole work used
- ☐ Portion used is central to or "heart of the work"

Effect

Favoring Fair Use

- ☐ User owns lawfully purchased or acquired work 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

Opposing Fair Use

- ☐ Could replace sale of copyrighted
- ☐ 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 the Web or in other public forum
- ☐ Repeated or long-term use