**Fair Use Checklist**

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| FAVORING FAIR USE | OPPOSING FAIR USE |
| PURPOSE | |
| * Teaching (including multiple copies for classroom use) * Research * Scholarship * Nonprofit educational institution * Criticism * Comment * New reporting * Transformative or productive use (changing the work for new utility) * Restricted access (to students or other appropriate group) * Parody | * Commercial activity * Profiting from the use * Entertainment * Bad-faith behavior * Denying credit to the original author |
| NATURE | |
| * Published work * Factual or non-fiction based * Important to favored educational objectives | * Unpublished work * Highly creative work (art, music, films, plays, novels) * Fiction |
| AMOUNT | |
| * Small quantity * Portion used is not central or significant * Amount is appropriate for favored educational purpose | * Large portion or whole work used * Portion used is central to or “heart” of the work |
| EFFECT | |
| * Use owns lawfully purchased or acquired 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 | * 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 the web or in other public forum * Repeated or long-term use |