**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
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| NATURE |
| * Published work
* Factual or non-fiction based
* Important to favored educational objectives
 | * Unpublished work
* Highly creative work (art, music, films, plays, novels)
* Fiction
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| 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
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| 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
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