

## Eckerd College Library Fair Use Checklist

The fair use checklist was developed to help educators, librarians, and others to evaluate content using the four factors of fair use—purpose, nature, amount and effect. Complete the *Fair Use checklist* to document your decision process, and demonstrate your attempts to apply a good faith effort to be in compliance with copyright law.

When using the checklist, keep in mind that the four factors are not definitive or determinative. Instead, they are to be used to evaluate if your use tips the scales toward fair use, or against it. In the end, you must come to a conclusion you are comfortable with, and be satisfied with the reasoning you used to come to your decision.

For more information, please see the Online Copyright Guide at <http://libguides.eckerd.edu/copyright>

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

Class or project: \_\_\_\_\_

Title of work to be used: \_\_\_\_\_

Amount of work to be used (e.g. chapters, # pages): \_\_\_\_\_

Purpose	
Factors favoring fair use: <input type="checkbox"/> Teaching or classroom use <input type="checkbox"/> Research or scholarship <input type="checkbox"/> Non-profit educational institution <input type="checkbox"/> Criticism <input type="checkbox"/> Comment <input type="checkbox"/> News reporting <input type="checkbox"/> Transformative or productive use <input type="checkbox"/> Restricted access (to students) <input type="checkbox"/> Parody	Factors opposing fair use: <input type="checkbox"/> Commercial activity <input type="checkbox"/> Profiting from use <input type="checkbox"/> Entertainment <input type="checkbox"/> Bad-faith behavior <input type="checkbox"/> Denying credit to original author

Notes:

Nature	
Factors favoring fair use: <input type="checkbox"/> Published work <input type="checkbox"/> Factual or non-fiction based <input type="checkbox"/> Important to favored educational objectives	Factors opposing fair use: <input type="checkbox"/> Unpublished work <input type="checkbox"/> Highly creative work (art, music, novels, films, plays) <input type="checkbox"/> Fiction

Notes:

Amount	
Factors favoring fair use: <input type="checkbox"/> Small quantity <input type="checkbox"/> Portion used not central or significant to entire work <input type="checkbox"/> Amount is appropriate for favored educational purpose	Factors opposing fair use: <input type="checkbox"/> Large portion or whole work used <input type="checkbox"/> Portion used is central to "heart" of work

Notes:

Effect	
Factors favoring fair use: <input type="checkbox"/> User owns lawfully acquired or purchased copy of work <input type="checkbox"/> One or few copies made <input type="checkbox"/> No significant effect on the market for copyrighted work <input type="checkbox"/> No similar product marketed by copyright holder <input type="checkbox"/> Lack of licensing mechanism	Factors opposing fair use: <input type="checkbox"/> Could replace sale of copyrighted work <input type="checkbox"/> Impairs market or potential market for copyrighted work <input type="checkbox"/> Available licensing mechanism for use of work <input type="checkbox"/> Affordable permission available for using work <input type="checkbox"/> Numerous copies made <input type="checkbox"/> You made it accessible on Web or other public form <input type="checkbox"/> Repeated or long term use

Notes:

Summary of Decision