Fair Use Checklist Copyright Advisory Office Columbia University Libraries Kenneth D. Crews, Director http://copyright.columbia.edu

Name:	-
Institution:	-
Project:	_
Date:	-
Prepared by:	-

Purpose

Favoring Fair Use

- Teaching (including multiple copies for 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 activityProfiting from the use
- _____
- Entertainment
- □ Bad-faith behavior
- Denying credit to original author

<u>Nature</u>

Favoring Fair Use

Published work
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Factual or nonfiction based

Important to favored educational objectives

Opposing Fair Use

- □ Unpublished work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

<u>Amount</u>

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 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 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