

# Fair Use Worksheet

1. The worksheet below is a tool to aid in applying the four fair use factors to the use of copyrighted materials. (The four fair use factors are from the United States Code Title 17 Copyrights Chapter 1 Sec 107.)
2. With the particular use in mind, read each section and check the appropriate boxes.
3. See how the balance tips with each answer.
4. Make a judgment about the final balance: overall does the balance tip in favor of fair use or in favor of getting permission?
5. Retain a copy of this form in connection with each possible "fair use" of a copyrighted work for your project.

**Thanks to the Indiana University - Purdue University Indianapolis Copyright Management Center for providing the basis for this worksheet.**

<b>Name:</b>	<b>Date:</b>
<b>Project:</b>	

**Purpose** (1) *the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes*

Favors Fair Use	Favors Getting Permission
<input type="checkbox"/> Teaching (including multiple copies for classroom use)	<input type="checkbox"/> Profiting from the use
<input type="checkbox"/> Research	<input type="checkbox"/> Entertainment
<input type="checkbox"/> Scholarship	<input type="checkbox"/> Bad-faith behavior
<input type="checkbox"/> Nonprofit Educational Institution	<input type="checkbox"/> Denying credit to original author
<input type="checkbox"/> Criticism	
<input type="checkbox"/> Comment	
<input type="checkbox"/> News reporting	
<input type="checkbox"/> Transformative or productive use (changes the work for new utility)	
<input type="checkbox"/> Restricted access (to students or other appropriate group)	
<input type="checkbox"/> Parody	

**Nature** (2) *the nature of the copyrighted work*

Favors Fair Use	Favors Getting Permission
<input type="checkbox"/> Published work	<input type="checkbox"/> Unpublished work
<input type="checkbox"/> Factual or nonfiction based	<input type="checkbox"/> Highly creative work ( <i>art, music, novels, films, plays</i> )
<input type="checkbox"/> Important to favored educational objectives	<input type="checkbox"/> Fiction

**Amount** (3) *the amount and substantiality of the portion used in relation to the copyrighted work as a whole*

Favors Fair Use	Favors Getting Permission
<input type="checkbox"/> Small quantity	<input type="checkbox"/> Large portion or whole work used
<input type="checkbox"/> Portion used is not central or significant to entire work	<input type="checkbox"/> Portion used is central to work or "heart of the work"
<input type="checkbox"/> Amount is appropriate for favored educational purpose	

**Effect** (4) *the effect of the use upon the potential market for or value of the copyrighted work. The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors*

Favors Fair Use	Favors Getting Permission
<input type="checkbox"/> User owns lawfully acquired or purchased copy of original work	<input type="checkbox"/> Could replace sale of copyrighted work
<input type="checkbox"/> One or few copies made	<input type="checkbox"/> Significantly impairs market or potential market for copyrighted work or derivative
<input type="checkbox"/> No significant effect on the market or potential market for copyrighted work	<input type="checkbox"/> Reasonably available licensing mechanism for use of the copyrighted work
<input type="checkbox"/> Lack of licensing mechanism	<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 in other public forum
	<input type="checkbox"/> Repeated or long term use