

Fair Use Checklist

Name:	
Institution/Department:	
Description of project:	
Description of copyrighted work used and manner of use:	

Based on this evaluation of my use of copyrighted materials for the described project, I believe I have acted in good faith to determine this is a fair use of the copyrighted materials.

Signature: _____ Date: _____

To determine whether your use of material is likely to be protected under the Fair Use doctrine ([Section 107](#) in the copyright code), check all applicable factors below. You should print this form, complete it, and keep it on file for future reference.

The information presented is not a substitute for legal advice obtained from a licensed attorney. Please see Auburn University's Copyright policy and web site for further information about our copyright policies.

Factor 1: Purpose and Character of the Use

Weights in Favor of Fair Use	Weights Against Fair Use
<input type="checkbox"/> Nonprofit Educational	<input type="checkbox"/> Commercial Activity
<input type="checkbox"/> Teaching (including multiple copies for classroom use)	<input type="checkbox"/> Profiting from use
<input type="checkbox"/> Research or Scholarship	<input type="checkbox"/> Entertainment
<input type="checkbox"/> Criticism, Comment, News Reporting, or Parody	<input type="checkbox"/> Non-transformative
<input type="checkbox"/> Transformative (use changes work for new utility or purpose)	<input type="checkbox"/> For publication
<input type="checkbox"/> Personal Study	<input type="checkbox"/> For public distribution
<input type="checkbox"/> Use is necessary to achieve your intended educational purpose	<input type="checkbox"/> Use exceeds intended educational purpose

Factor 2: Nature of Copyrighted Work

Weighs in Favor of Fair Use	Weighs Against Fair Use
<input type="checkbox"/> Published Work	<input type="checkbox"/> Unpublished work
<input type="checkbox"/> Factual or nonfiction work	<input type="checkbox"/> Highly creative work (art, music, novels, films, plays, poetry, fiction)
<input type="checkbox"/> Important to educational objectives	<input type="checkbox"/> Consumable work (workbook, test)

Factor 3: Amount and Substantiality of Portion Used

Weighs in Favor of Fair Use	Weighs Against Fair Use
<input type="checkbox"/> Small portion of work used	<input type="checkbox"/> Large portion or entire work used
<input type="checkbox"/> Portion used is not central or significant to entire work as a whole	<input type="checkbox"/> Portion used is central or "heart of work"
<input type="checkbox"/> Amount taken is narrowly tailored to educational purpose such as criticism, comment, research, or subject being taught	<input type="checkbox"/> Amount taken is more than necessary for criticism, comment, research, or subject being taught

Factor 4: Effect on Market for Original

Weighs in Favor of Fair Use	Weighs Against Fair Use
<input type="checkbox"/> No significant effect on market or potential market for copyrighted work	<input type="checkbox"/> Significantly impairs market or potential market for copyrighted work or derivative
<input type="checkbox"/> Use stimulates market for original work	<input type="checkbox"/> Licensing or permission reasonably available
<input type="checkbox"/> No similar product marketed by copyright holder	<input type="checkbox"/> Numerous copies made or distributed
<input type="checkbox"/> No longer in print	<input type="checkbox"/> Repeated or long term use that demonstrably affects the market for the work
<input type="checkbox"/> Licensing or permission unavailable	<input type="checkbox"/> Required classroom reading
<input type="checkbox"/> Supplemental classroom reading	<input type="checkbox"/> User does not own lawfully acquired or purchased copy of original work
<input type="checkbox"/> One or few copies made or distributed	<input type="checkbox"/> Unrestricted access on the web or other public forum
<input type="checkbox"/> User owns lawfully acquired or purchased copy of original work	
<input type="checkbox"/> Restricted access (to students or other appropriate group)	

This checklist has been adapted from The Checklist originally created by Kenneth D. Crews (formerly of Columbia University) and Dwayne K. Butler (University of Louisville) <https://copyright.columbia.edu/content/dam/copyright/Precedent%20Docs/fairusechecklist.pdf> and the revisions made to that checklist by Wayne State University <http://copyright.wayne.edu/checklist.php>. The Checklist is licensed under a Creative Commons Attribution License (CC/BY).

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