

FAVORING FAIR USE

INFRINGING

purpose of use

- ☐ Teaching (including multiple copies for classroom use)
- ☐ Research
- ☐ Scholarship
- ☐ Nonprofit educational institution
- ☐ Criticism
- ☐ Comment
- ☐ News Reporting
- ☐ Transformative (changes work for a new purpose)
- ☐ Restricted access

- ☐ Commercial
- ☐ Profiting from use
- ☐ Entertainment
- ☐ Bad faith behavior
- ☐ Neglecting to credit original author

nature of use

- ☐ Published work
- ☐ Factual or nonfiction based
- ☐ Important to favored educational objectives

- ☐ Unpublished work
- ☐ Highly creative work (art, music, film, novel, play)
- ☐ Fiction

amount used

- ☐ Small quantity
- ☐ Portion used is not the “heart” of the work
- ☐ Amount is appropriate for favored educational use

- ☐ Large portion or whole work used
- ☐ Portion used is “heart” of the work

effect of 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 copyright holder
- ☐ Lack of licensing mechanism
- ☐ New work could not substitute for original work

- ☐ Could replace sale of copyrighted work
- ☐ Significantly impairs market or potential market for copyrighted work or its derivative
- ☐ Reasonably available license mechanism for use of the copyrighted work
- ☐ Affordable permission available for using work.
- ☐ Numerous copies made
- ☐ Placed on web or other public forum
- ☐ Repeated or long-term use