



**Fair Use Checklist**  
 George Mason University Libraries  
 Copyright Resources Office

Print out and keep the completed checklist for at least three years. This document is a visual tool to help you decide whether your use may be a fair use of proprietary content.

Completed by: \_\_\_\_\_

Course #: \_\_\_\_\_

Project: \_\_\_\_\_

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

This checklist considers the four fair use factors defined in 17 U.S. Code: Purpose, Nature, Amount, and Effect on the Market.

**PURPOSE**

Favoring Fair Use

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit education 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 activity
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to original author

Notes: \_\_\_\_\_

**NATURE**

Favoring Fair Use

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

Opposing Fair Use

- Unpublished work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

Notes: \_\_\_\_\_

## AMOUNT

### 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

Notes: (Explain in detail the reason(s) you need to use more than 15% of a work) \_\_\_\_\_

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## EFFECT ON THE MARKET

### Favoring Fair Use

- User owns lawfully purchased or acquired copy of original work
- One or fewer 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
- User makes it accessible on the Internet or in other public forum
- Repeated or long-term use

Notes: \_\_\_\_\_

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