

FAIR USE

four factor analysis



IS THIS A FAIR USE?



PURPOSE & CHARACTER OF USE

- Criticism, comment, news reporting, teaching, scholarship, research
- Non-commercial character
- Transformational character



- Other purposes
- Commercial character
- Non-transformative character

NATURE OF ORIGINAL WORK

- Already published
- More factual than creative
- Purpose differs from that of intended use



- Never published
- More creative than factual
- Purpose similar to that of intended use

AMOUNT USED

- Not the "heart" of the work
- Consistent with published field-specific codes of best practice



- The "heart" of the work
- More than absolutely necessary to achieve purpose

EFFECT OF USE

- Intended use not currently being commercially exploited
- Significant potential market for intended use does not exist
- Proper attribution provided



- Intended use is currently being commercially exploited
- Significant potential market for intended use does exist
- Lacks proper attribution

Still have questions?

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