



# Fair Use Checklist

Name: \_\_\_\_\_

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

Course/Project: \_\_\_\_\_

Title of copyrighted work: \_\_\_\_\_

Author/Copyright holder: \_\_\_\_\_

Portion of work to be used (e.g. pages): \_\_\_\_\_

Description of use:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Directions: Check all boxes that apply. For each of the four sections below, determine whether that factor favors or disfavors a finding of fair use. Where the factors favoring fair use *outweigh* the factors disfavoring fair use, reliance on the fair use exemption is justified. For questions, guidance, and assistance in completing this form, please contact Karen Neville, Library Director – [karen.neville@rrcc.edu](mailto:karen.neville@rrcc.edu) 303-914-6747. Please retain this form for your records.

## Purpose of the Use

### Favoring Fair Use

- Teaching (including multiple print copies for classroom use)
- Research or Scholarship
- Criticism
- Comment
- News Reporting
- Transformative Use (parody, pastiche, instructional materials)
- Socially beneficial (promotes the creation of new knowledge, learning, etc.)
- Nonprofit educational institution
- Restricted Access
- Use for limited time

### Opposing Fair Use

- Commercial Activity
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to the original author
- Creates a derivative work (full translation, adaptation, abridged version)

## Nature of the Copyrighted Material

### Favoring Fair Use

- Factual, nonfiction, news
- Work was not created/marketed for proposed use
- Published work

### Opposing Fair Use

- Creative (art, music, novels, films, plays)
- Consumables (workbooks, tests)
- Unpublished work

## Amount Copied

### Favoring Fair Use

- Limited and reasonable portions used
- Portion used is not central or significant to entire work
- Amount is appropriate for favored educational objectives

### Opposing Fair Use

- Large portion is used
- Portion used is central to or “the heart of the work
- Includes more than is necessary for educational purpose

## Effect on the Market for the Original

### Favoring Fair Use

- No significant effect on the market or potential market for the copyrighted work
- Work is not currently available (out of print, no licensing available)
- Copyright holder cannot be identified or cannot be found after a reasonable search or does not respond to requests for permission
- Restricted access (limited to a group, posted in secure course shell)
- One-time, spontaneous use (no time to obtain permission)
- Few copies made

### Opposing Fair Use

- Could replace sale of copyrighted work
- Significantly impairs market or potential market
- Reasonably available licensing mechanism for obtaining rights is available
- Affordable permission for using the work
- Will be made available publicly on the web
- Repeated or long-term use
- Many copies made or distributed