

# Fair Use Checklist

This form may guide you in determining whether you may make available copies of copyright protected works without obtaining permission from the copyright holder under Section 107 of the United States Copyright Law (Title 17, United States Code). [See <http://mcad.edu/about-us/policies/copyright-fair-use>]

Check all boxes that apply and count the number of checks in each column section. If the number from the column that opposes fair use claims is higher than that which favors fair use for any section, copyright permission should be obtained before making or disseminating copies or placing material on eReserves.

## Purpose of the Use

### ***Favors Fair Use***

- Educational
- Transformative (changes the work to serve a new purpose)
- Restricted access to copy

### ***Opposes Fair Use***

- Commercial or entertainment
- Exact copy
- Open access (public may access)

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TOTALS

## Nature of the Work

### ***Favors Fair Use***

- Published
- Factual, nonfiction

### ***Opposes Fair Use***

- Unpublished
- Creative (fiction, music, art, plays) or consumable (workbooks, tests)

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TOTALS

## Amount Used

### ***Favors Fair Use***

- Small quantity (for example, less than 10% of original work or a single chapter or journal article)
- Portion used not significant to the entire work
- Amount is appropriate for intended educational purpose

### ***Opposes Fair Use***

- Large portion or whole work used
- Portion used is the “heart” of the work
- Includes more than necessary for intended educational purpose

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TOTALS

## Effect on Market for the Work

### ***Favors Fair Use***

- Instructor and/or library owns copy of original work
- One or few copies made
- Copying will have no significant effect on the potential market for the work
- No longer in print
- One-time use

### ***Opposes Fair Use***

- Neither library nor instructor own a lawfully acquired copy
- Numerous copies made
- Copying is effectively a substitute for purchasing the work
- Affordable permission available
- Repeated or long-term use

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TOTALS