

Fair Use Checklist

Texas Wesleyan University – Eunice & James L. West Library – CETL
Caitlin Rookey, Digital Initiatives Librarian
([Link](#))

Name: _____

Date: _____

Project or Course: _____

Copyrighted Work: _____

The library recommends completing and retaining a copy of this form in connection with fair use of copyrighted work for your project.

Purpose

Favoring Fair Use

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit educational education
- Criticism
- Comment
- News reporting
- Transformative or productive use (changes the work for new utility)
- Restricted access (to students or other appropriate groups)
- Parody

Opposing Fair Use

- Commercial activity
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to original author

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- Unpublished work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

Adapted for use by Texas Wesleyan University from “Fair Use Checklist” developed by Kenneth D. Crews and Dwayne K. Butler

(<https://copyright.columbia.edu/content/dam/copyright/Precedent%20Docs/fairusechecklist.pdf>).

This work is licensed under a Creative Commons Attribution 4.0 International License

(<https://creativecommons.org/licenses/by/4.0/>) with attribution to the original creators of the checklist.

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”

Effect

Favoring Fair 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 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
- You made it accessible on the Web or in other public forum
- Repeated or long-term use

Adapted for use by Texas Wesleyan University from “Fair Use Checklist” developed by Kenneth D. Crews and Dwayne K. Butler

(<https://copyright.columbia.edu/content/dam/copyright/Precedent%20Docs/fairusechecklist.pdf>).

This work is licensed under a Creative Commons Attribution 4.0 International License

(<https://creativecommons.org/licenses/by/4.0/>) with attribution to the original creators of the checklist.