

Fair Use Checklist Analysis Before Using Copyrighted Materials

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 in a court of law. Where the factors favoring "Fair Use" outnumber the factors weighing against a finding of "Fair Use," reliance on the Fair Use exception is justified. Where less than half of the factors favor "Fair Use," permission should be obtained before copying and/or disseminating copies of the work. Where the factors appear evenly split or you have questions about interpretation, please feel free to contact the USF Library. Retain a completed checklist each time you reproduce a work.

Name: _____ Date: _____

Class or Project: _____

Title of Work Intended to be Reproduced: _____

Portion to be used (e.g. pages): _____

FAVORING FAIR USE	DISFAVORING FAIR USE
1. Purpose of the Reproduction	
<input type="checkbox"/> Educational <input type="checkbox"/> Transformative <input type="checkbox"/> Non-Profit	<input type="checkbox"/> Commercial <input type="checkbox"/> Verbatim/Exact Copy <input type="checkbox"/> Will Produce Profit
2. Nature of the Work You Want To Reproduce	
<input type="checkbox"/> Factual, non-fiction, news <input type="checkbox"/> Published work	<input type="checkbox"/> Creative or dated/consumable work (workbooks) <input type="checkbox"/> Unpublished work
3. Amount of Material You Want To Reproduce	
<input type="checkbox"/> Small quantity (e.g., single book chapter or journal article—amount consists of less than 10% of total work) <input type="checkbox"/> Portion used is not central to entire work <input type="checkbox"/> Amount necessary for educational purposes	<input type="checkbox"/> Large portion or entire work <input type="checkbox"/> Portion is essential, or the "heart" of the work <input type="checkbox"/> Portion includes more than what is necessary for educational purposes
4. Market Effect Your Reproduction Will Have On The Original Work	
<input type="checkbox"/> No significant effect on current or potential market <input type="checkbox"/> One or few copies made and/or distributed <input type="checkbox"/> No longer in print; absence of licensing mechanism <input type="checkbox"/> Restricted access (limited to students in a specific class through a specific gateway) <input type="checkbox"/> One-time use, spontaneous use (no time to obtain permission) <input type="checkbox"/> USF Library has content available through pre-existing license (e.g., database content)	<input type="checkbox"/> Cumulative effect of reproduction would substitution purchase of original work <input type="checkbox"/> Numerous copies made and/or distributed <input type="checkbox"/> Reasonably available licensing mechanism available for obtaining permission <input type="checkbox"/> Will be making reproductions available to all via broad dissemination <input type="checkbox"/> Repeated or long-term use without permission to do so <input type="checkbox"/> No library or other university license held for content
Total Number of Checkboxes	
<input style="width: 50px; height: 20px;" type="text"/>	<input style="width: 50px; height: 20px;" type="text"/>

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