

Illinois Wesleyan University
Checklist for Fair Use and Copyright

Please complete and retain a copy of this form in connection with each possible "fair use" of a copyrighted work for your project.
Also, please bring this completed form to any consultations with the University Copyright Officer.

Project: _____ Date: _____

Name: _____ Prepared by: _____ Department: _____

Evaluate and judge your intended use according to the Four Factors of Fair Use:

PURPOSE (Factor 1)

Favoring Fair Use

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Criticism
- News reporting
- Transformative or Productive use (changes the work for new utility)
- Restricted access (to students or other appropriate group)

Opposing Fair Use

- Commercial Activity
- Profiting from the Use
- Entertainment
- Bad-faith Behavior
- Denying credit to original author

NATURE (Factor 2)

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- Unpublished Work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

AMOUNT (Factor 3)

Favoring Fair Use

- Small quantity
- Portion 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 work or "heart of the work"

EFFECT (Factor 4)

Favoring Fair Use

- User owns lawfully acquired or purchased 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 Web or in other public forum
- Repeated or long-term use