

The Columbia University Fair Use Checklist

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Instructor: _____ Email: _____

Class: _____ Semester: _____

Title(s): _____

Fair Use Factor #1: PURPOSE

Favoring Fair Use

Opposing Fair Use

- | | |
|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> Teaching [including multiple copies for classroom use] | <input type="checkbox"/> It is a commercial use or activity |
| <input type="checkbox"/> Research | <input type="checkbox"/> Profiting from the use |
| <input type="checkbox"/> Scholarship | <input type="checkbox"/> It is used for entertainment |
| <input type="checkbox"/> Nonprofit educational institutional use | <input type="checkbox"/> A bad-faith behavior is involved |
| <input type="checkbox"/> Criticism | <input type="checkbox"/> Denying credit to the original author |
| <input type="checkbox"/> Comment | |
| <input type="checkbox"/> News reporting | |
| <input type="checkbox"/> It is a transformative or productive use [the use changes the work for a new utility] | |
| <input type="checkbox"/> There is Restricted Access [to students or other appropriate educational group] | |
| <input type="checkbox"/> It is a parody | |

Fair Use Factor #2: NATURE

Favoring Fair Use

Opposing Fair Use

- | | |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> It is a published work | <input type="checkbox"/> It is an unpublished work |
| <input type="checkbox"/> It is factual or non-fiction based | <input type="checkbox"/> It is a highly creative work [artwork, graphics, music, novels, plays, commercial movies] |
| <input type="checkbox"/> The use is important to favored instructional objectives | <input type="checkbox"/> It is fiction |

Fair Use Factor #3: AMOUNT

Favoring Fair Use

- A small quantity is used
- The portion used is not central or significant to the central work [it is not the “heart of the work”]
- The amount used is appropriate for the favored educational purpose

Opposing Fair Use

- A large portion or the entire work is used
- The portion used is central to the work or it is the “heart of the work”

Fair Use Factor #4: EFFECT

Favoring Fair Use

- The user [or the department or the Library] owns a lawfully acquired or purchased copy of the original work
- One or a few copies are made
- The use has no significant effect on the market or potential market for copyrighted work
- There is no similar product marketed by the copyright holder
- There is a lack of a licensing mechanism

Opposing Fair Use

- The use could replace the sale of the copyrighted work
- The use significantly impairs the market or potential market for the copyrighted work or derivative
- There is a reasonably available licensing mechanism for use of the copyrighted work
- There is affordable permission available for using the copyrighted work
- Numerous copies are made
- The work is made available via the Internet or in another public forum without encryption
- There is repeated or long term use

Fair Use authorized by: _____ Date: _____