Fair Use Checklist
Z. Smith Reynolds Library, Wake Forest University
For additional information visit zsr.wfu.edu/copyright or contact Molly Keener, Director of Digital Initiatives & Scholarly Communication, keenerm@wfu.edu.

Name:
Institution:
Project:
Date:
Prepared by:

Original Work:

Purpose of the Use

Favoring Fair Use
☐ Teaching (including multiple copies for classroom use)
☐ Research
☐ Scholarship
☐ Nonprofit educational institution
☐ Criticism
☐ Comment
☐ News reporting
☐ Transformative or productive use (changes the work for new utility)
☐ Restricted access (to students or other appropriate group)
☐ Parody

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

Nature of the Copyrighted Work

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☐ Unpublished work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, etc.)
☐ Fiction

This checklist is a modified version of the Fair Use Checklist originally created by Kenneth D. Crews (formerly of Columbia University) and Dwayne K. Buttler (University of Louisville): https://copyright.columbia.edu/basics/fair-use/fair-use-checklist.html. It is used here under a Creative Commons Attribution License: https://creativecommons.org/licenses/by/4.0/.
### Amount Used

<table>
<thead>
<tr>
<th>Favoring Fair Use</th>
<th>Opposing Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Small quantity</td>
<td>☐ Large portion or whole work used</td>
</tr>
<tr>
<td>☐ Portion used is not central or significant to entire work</td>
<td>☐ Portion used is central to or “heart of the work”</td>
</tr>
<tr>
<td>☐ Amount is appropriate for favored educational purpose</td>
<td></td>
</tr>
</tbody>
</table>

### Effect on the Market for the Copyrighted Work

<table>
<thead>
<tr>
<th>Favoring Fair Use</th>
<th>Opposing Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ User owns lawfully purchased or acquired copy of work</td>
<td>☐ Could replace sale of copyrighted work</td>
</tr>
<tr>
<td>☐ One or few copies made</td>
<td>☐ Significantly impairs market or potential market for copyrighted work or derivative</td>
</tr>
<tr>
<td>☐ No significant effect on the market or potential market for copyrighted work</td>
<td>☐ Reasonably available licensing mechanism for use of the copyrighted work</td>
</tr>
<tr>
<td>☐ No similar product marketed by the copyright holder</td>
<td>☐ Affordable permission available for using work</td>
</tr>
<tr>
<td>☐ Lack of licensing mechanism</td>
<td>☐ Numerous copies made</td>
</tr>
<tr>
<td></td>
<td>☐ User makes work accessible on the Web or in another public forum</td>
</tr>
<tr>
<td></td>
<td>☐ Repeated or long-term use</td>
</tr>
</tbody>
</table>

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