FAIR USE

There is more than one way to graphically present whether or not the use of information falls within the fair use exemptions for educational institutions.

Because of individual preferences on which fair use chart was preferred for use at Moravian College, the following pages represent the same information in different formats.
Fair Use Flow Chart

1. **Purpose**

   - **Commercial / For Profit / Entertainment**
   - **Nonprofit / Educational Use / Criticism**

   Away from Fair Use  Toward Fair Use

2. **Nature**

   - **Unpublished work**
   - **Published work**
   - **Creative work (plays, music, art...)**
   - **Factual or Nonfiction based**

   Away from Fair Use  Toward Fair Use

3. **Amount**

   - **Large portion or whole text**
   - **Small quantity (=<15%)**
   - **Portion used is central to entire work or heart of the work**
   - **Not significant or central to entire work**
   - **Amount is appropriate to make pedagogical point**

   Away from Fair Use  Toward Fair Use

4. **Effect**

   - **Replaces sale of work**
   - **User owns lawfully purchased copy of work**
   - **Impairs market or potential market**
   - **One of few copies made (e.g., difficult to obtain)**
   - **Licensing is available**
   - **No significant effect on market or potential market**
   - **Permission can be obtained to use**
   - **No similar product marketed by copyright holder**
   - **Numerous copies made or available**
   - **No licensing mechanism**
   - **Repeated or long term use**
   - **You make it available on Web / public forum**

   Away from Fair Use  Toward Fair Use

Chart Credit: University of Minnesota
**Fair Use Checklist**  
Copyright Advisory Office  
Columbia University Libraries  
Kenneth D. Crews, Director  
[http://copyright.columbia.edu](http://copyright.columbia.edu)

Name:  ________________________________________________________________________

Institution: _____________________________________________________________________

Project: ________________________________________________________________________

Date: _________________________________________________________________________

Prepared by: __________________________________________________________________

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**Purpose**

**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

**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

**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

*Most recent revision: 051408*