

Instructor:

Class/Semester/Year:

Resource:

Factor 1: Purpose and Character of the Use

Weights in Favor of Fair Use

Weights Against Fair Use

Nonprofit Educational Institution	Commercial activity, profit from use
Used for Purpose of Teaching (including multiple copies for classroom use) and/or Research, Scholarship or Criticism, Comment, News Reporting, or Parody	For public distribution
Used for noncommercial, nonprofit educational use	Used for entertainment
Transformative (use changes work for new utility or purpose)	Mirror image copying
Use is necessary to achieve your intended educational purpose	Use exceeds that which is necessary to achieve your intended educational purpose

Factor 2: Nature of Copyrighted Work

Weights in Favor of Fair Use

Weights Against Fair Use

Published work	Unpublished work
Factual/informational and educational in nature or nonfiction work	Fiction or highly creative work (art, music, novels, films, plays, poetry)
Non-consumable work	Consumable work (workbook, test)

Factor 3: Amount and Substantiality of Portion Used

Weights in Favor of Fair Use

Weights Against Fair Use

Decidedly small portion of work used (no more than 10% of work not divided into chapters or having less than 10 chapters or no more than 1 chapter of a 10 or more chapter work)	Large portion or entire work used (more than 10% of work not divided into chapters or having less than 10 chapters or more than 1 chapter of a 10 or more chapter work)
Portion used is not central or significant to entire work as a whole	Portion used is central to work or “heart of the work”
Amount taken is narrowly tailored to accomplish a demonstrated, legitimate purpose in the course curriculum and must be narrowly tailored to accomplish that purpose	Amount taken is more than necessary to accomplish a demonstrated, legitimate purpose in the course curriculum or is not narrowly tailored to accomplish a demonstrated legitimate purpose in the course curriculum
Access limited to students enrolled in course for only the term of the course	Access not limited

Factor 4: Effect on Market for Original*Weights in Favor of Fair Use**Weights Against Fair Use*

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Decidedly small portion used	Large portion or entire work used
User owns lawfully acquired or purchased copy of original work	User does not own lawfully acquired or purchased copy of original work
Use stimulates market for original work	Use impairs the market or potential market for original work