



## COLUMBIA BASIN COLLEGE FAIR USE CHECKLIST

The following Checklist for Fair Use is based on a document created by Dr. Kenneth Crews, Director of the Copyright Advisory Office of Columbia University Libraries. See <http://copyright.columbia.edu/>.

Be aware that using this checklist may NOT be necessary if:

1. you are the copyright holder of the material
2. or the work is in the public domain
3. or the College and the Library have a user license to the material;
4. or you are applying the "classroom exemption"
5. or you are applying the "library exemption";
6. or you are applying TEACH ACT;
5. or other statutory provisions authorize the use.

If none of the above applies, use this checklist to record your "reasonable and good-faith" analysis of your fair use. There are four factors of fair use that you need to consider. Check all boxes that apply. If factors favoring fair use significantly outnumber disfavoring factors, you may apply fair use without having to obtain permission from the copyright holders. Retain a copy of this checklist for each project that you conducted the analysis. If you are not sure whether to use this checklist, how to proceed after completing the checklist, or how to obtain permissions, contact Ying Yu at [yyu@columbiabasin.edu](mailto:yyu@columbiabasin.edu) or Jerry Lewis at [jlewis@columbiabasin.edu](mailto:jlewis@columbiabasin.edu).

Name: \_\_\_\_\_

Project: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: \_\_\_\_\_

### **Purpose**

#### **Favoring Fair Use**

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit educational institution

#### **Opposing Fair Use**

- Commercial activity
- Profiting from the use
- Entertainment
- Bad-faith behavior

- Criticism
- Comment
- News Reporting
- Transformative or productive use (changes the work for new utility)
- Restricted access (to students or other appropriate group)
- Parody

- 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- Unpublished work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 form
- Repeated or long-term use