



University Libraries

FAIR USE ANALYSIS CHECKLIST

Course Information

<i>Instructor's Name:</i>
<i>Instructor's Email:</i>
<i>Department and Course Number:</i>
<i>Course Title:</i>
<i>Number of Students in Class:</i>

Title of work:
Portion to be used (pages):

The following "fair use" checklist should be used in determining whether submitted materials may be placed on electronic reserves without obtaining permission from the copyright owner. For each of the four sections below, determine whether that factor favors or disfavors a finding of fair use.

Directions: Check all boxes that apply.

Favors Fair Use	Opposing Fair Use
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PURPOSE

Teaching (including multiple copies for classroom use)	Commercial activity
Research	Profiting from the use
Scholarship	Entertainment
Nonprofit educational institution	Bad-faith behavior
Criticism	Denying credit to original author
Comment	
News Reporting	
Transformative	
Restricted access (to students or other appropriate group)	
Parody	

NATURE

	Published work		Unpublished work
	Factual or nonfiction based		Highly creative work (art, music, novels, films, plays)
	Important to favored educational objectives		Fiction

AMOUNT

	Small quantity		Large Portion or whole work used
	Portion used is not central or significant to entire work		Portion used is central to or “heart of the work”
	Amount is appropriate for favored educational purpose		

EFFECT

	User owns lawfully purchased or acquired copy of original work		Could replace sale of copyrighted work
	No significant effect on the market or potential market for copyrighted work		Significantly impairs market or potential market for copyrighted work
	Lack of licensing mechanism		Reasonably available licensing mechanism for use of the work
	No similar product marketed by the copyright holder		Affordable permission available for using work
	One or few copies made		Numerous copies made
			You made it accessible on the Web or in other public forum
			Repeated or long-term use

The four factors listed in the Copyright Statute are only guidelines for making a determination as to whether a use is fair. Each factor should be given careful consideration in analyzing any specific use. There is no magic formula; an arithmetic approach to the application of the four factors should not be used. Depending on the specific facts of a case, it is possible that even if three of the factors would tend to favor a fair use finding, the fourth factor may be the most important one in that particular case, leading to a conclusion that the use may not be considered fair.

After filling out the sections, if you still have questions below is a list of additional materials that can be used to help make a decision of whether a use is fair.

- [University of Memphis Copyright Basics](#)
- [Copyright & Fair Use Stanford Libraries](#)
- [U.S. Copyright Office Fair Use Index](#)
- [University System of Georgia Copyright Policy](#)

To be filled out by the professor(s) requesting the submission of the material for placement on electronic reserve.

I have reviewed the material submitted for placement on electronic reserve and have concluded from the checklist, that **(Please check only one)**:

	The material is protected under “fair use” and should be placed on electronic reserve
	Permission must be obtained from the copyright owner before the material can be placed on electronic reserve

Signature:	Date:
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For questions regarding placing items on course reserve, contact [Chasity Harris](#).

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