

Life Chiropractic College West Library Fair Use Checklist

If you are uncertain that consideration of fair use is even necessary, please see the **KF section** in the library's reference collection, and http://www.lifewest.edu/lw_library/links_copyrights.shtml.

In all cases where another's work is used, whether through fair use guidelines or an exempting law, it is the responsibility of the individual staff or faculty member to retain documentation of the rationale for use, and any granted permissions. However, library staff may ask for a copy of this documentation before proceeding with requests for services involving copyrighted material.

Name: _____

Institution: _____

Project: _____

Date: _____

Prepared by: _____

Purpose

Favoring Fair Use

- Teaching (including multiple copies for classroom use)
Consider library reserves-save paper!
- Research
- Scholarship
- Nonprofit educational institution
- Criticism
- Comment
- News reporting
- Transformative or productive use (changes the work for a new utility)
- Restricted access (to students or other appropriate group)
Consider course management system, Moodle.
- 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- Unpublished work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 portions or whole work used
- Portion used is central to or “heart of the work”

Effect

Favoring Fair Use

- Use 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

This form is based, almost in its entirety, on the **Fair Use Checklist** from the Copyright Advisory Office at Columbia University Libraries, Kenneth D. Crews, Director. Used with permission. <http://copyright.columbia.edu/copyright/fair-use/fair-use-checklist/> [updated May, 14, 2008; accessed January 31, 2010]

Go to <http://copyright.columbia.edu> where you will find well vetted, current information on more aspects of copyright than just fair use.