

Fair Use Checklist
Missouri Department of Corrections

Name: _____

Purpose: _____

Project: _____

Date: _____

Prepared by: _____

Purpose

Favoring Fair Use

- Teaching (including multiple copies for classroom use)
- Comment
- News Reporting
- Restricted access (to students or other appropriate group)

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- Unpublished work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

- Significantly impairs market or potential market for copyrighted work or derivative
- Reasonably available licensing mechanism
- Affordable permission available for using work
- Numerous copies made
- Repeated or long-term use