



Copyright & Fair Use: *Fair Use Evaluation Worksheet*

Your fair use determination must be made based on weighing and balancing these four factors

Purpose and character of your use. Using material in a non-commercial environment and for a nonprofit educational purpose, such as criticism and commentary, is generally favored under fair use analysis.

What is the purpose of your use?

| | | | | | |
|--|----------------|---|---|---------------------------|---|
| | Commercial use | | → | Nonprofit educational use | |
| | 1 | 2 | 3 | 4 | 5 |

Nature of the work. Using works that are mostly factual in nature will strengthen the fair use argument.

How creative is the work?

| | | | | | |
|--|-----------------|---|---|----------------|---|
| | Highly creative | | → | Highly factual | |
| | 1 | 2 | 3 | 4 | 5 |

Amount used. The amount of the work you use should be only as much as is necessary to illustrate your point.

Percentage of the work used:

| | | | | | |
|--|------|---|---|-----|---|
| | 100% | | → | <1% | |
| | 1 | 2 | 3 | 4 | 5 |

Effect on the market. If your use of a work is not a substitute for purchasing it, that will have less effect on the market and will strengthen the fair use argument.

Effect on the market:

| | | | | | |
|--|---------------|---|---|--------------------|---|
| | Little effect | | → | Significant effect | |
| | 1 | 2 | 3 | 4 | 5 |

In the space below, explain how this work will be used and why the amount used is appropriate for your pedagogical purpose.