

**Fair Use Checklist**

Copyright Advisory Office  
Columbia University Libraries  
Kenneth D. Crews, Director  
<http://copyright.columbia.edu/copyright/fair-use>

*copyright / fair-use*

|              |  |
|--------------|--|
| Name:        | <u>Docent Council</u>  |
| Institution: | <u>Santa Barbara Museum of Art</u>   |
| Project:     | <u>Web site</u>  |
| Date:        | <u>2-19-13</u>   |
| Prepared by: | <u>Web Site Committee: Mike Ramey, Vikki Duncan, Irene Stone, Loree Gold, MaryEllen Hoffman, Kathryn Padgett</u> |

**Purpose**

**Favoring Fair Use**

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit educational institution
- Criticism
- Comment
- News reporting
- Transformative or productive use (changes the work for new utility)
- Restricted access (to students or other appropriate group)
- 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- Unpublished work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 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 forum
- Repeated or long-term use