

LSU Libraries 2-page Fair Use Checklist

Title of Copyrighted Work:

Date:

Author and Publisher:

Class or Project:

Portion(s) to be used (e.g., pages, timer counts):

Course and Term:

The Purpose and Character of the Work

Weighs in Favor of Fair Use:	Weighs Against of Fair Use:
<ul style="list-style-type: none"> <input type="checkbox"/> The use is for the purpose of teaching in a non-profit educational institution (including multiple copies for classroom use). <input type="checkbox"/> The use is for criticism, comment, news reporting, or parody or transforms the presentation (alters the original work in a creative manner) or use. <input type="checkbox"/> The use is necessary to achieve an intended educational purpose. <input type="checkbox"/> Distribution is limited by password to students within a class for the term of the course; student may download, print, or save the materials for own use, but not further distribute; student acknowledges copyrighted nature of the materials. 	<ul style="list-style-type: none"> <input type="checkbox"/> The use is for a commercial purpose. <input type="checkbox"/> Mirror image copying without the addition of criticism, comment, news reporting or parody or transformation of presentation or use. <input type="checkbox"/> The use exceeds what is necessary to achieve an intended educational purpose. <input type="checkbox"/> The use on campus is not intended to achieve an educational purpose. <input type="checkbox"/> Unlimited or uncontrolled distribution.

The Nature of the Work

Weighs in Favor of Fair Use:	Weighs Against of Fair Use:
<ul style="list-style-type: none"> <input type="checkbox"/> The work is non-fictional in nature. <input type="checkbox"/> The work is non-fictional in nature, and author opinion, subjective description and evaluative expression do not dominate the work. <input type="checkbox"/> The work is a “non-consumable” work (e.g., standard book or similar publication). <input type="checkbox"/> The original work has been published. 	<ul style="list-style-type: none"> <input type="checkbox"/> The work is fictional or highly creative (art, music, novel, film, play, poetry). <input type="checkbox"/> The work is non-fictional in nature and, author opinion, subjective description and evaluative expression dominate the work. <input type="checkbox"/> The work is a consumable work (e.g., workbook or test). <input type="checkbox"/> The original work has never been published.

The Amount and Substantiality of the Portion Used

Weighs in Favor of Fair Use:	Weighs Against of Fair Use:
<ul style="list-style-type: none"> <input type="checkbox"/> A decidedly small amount such as one chapter or less of the work is used. <input type="checkbox"/> Amount used is narrowly tailored to accomplish a legitimate purpose in the course curriculum. <input type="checkbox"/> A small number of chapters of the work are used, and you have concluded that both the “effect on the market” (Factor 4) and the “purpose and character of the use” (Factor 1) favor fair use. 	<ul style="list-style-type: none"> <input type="checkbox"/> Large portion of the work is used <input type="checkbox"/> Multiple chapters of the work are used. <input type="checkbox"/> Amount used is more than necessary to accomplish a legitimate purpose in the course curriculum. <input type="checkbox"/> Portion used is central to the work or the “heart of the work” <input type="checkbox"/> Multiple chapters of the work are used, and you have not concluded that both the “effect on the market” (Factor 4) and the “purpose and character of the use” (Factor 1) favor fair use.

The Effect of the Use of the Work on the Market for the Original Work

Weighs in Favor of Fair Use:	Weighs Against of Fair Use:
<input type="checkbox"/> The work as a whole is currently available for purchase, but a conveniently and efficiently accessible and reasonably priced digital license is not available. <input type="checkbox"/> The work as a whole is not available for purchase, and a digital license is not available.	<input type="checkbox"/> The work as a whole is currently available for purchase, and a conveniently and efficiently accessible and reasonably priced digital license is available. <input type="checkbox"/> The work as a whole is not available for purchase, and a digital license is available.

Fair use allows limited uses of portions (or sometimes all) of an in-copyright work without the need for prior permission. Favored fair uses include nonprofit educational, transformative uses or criticism, commentary or parody.

Fair use is ALWAYS a balance of all 4 factors. All 4 sections of the check list should be completed, but not every point will apply to every use. Check only those factors that apply to your situation. Where there are opposing factors, usually one or the other will apply. The final deterrent determination is based on a holistic weighing and balancing of all four factors. No single factor is determinative a fair use, including the amount of work used.

The effect on the market for the original work can carry the most weight in a fair use balance, but it is not so weighty that it determines the outcome of the balance fair use analysis. Favorable results in the purpose, nature, and amount, may outweigh unfavorable results regarding the effect on the market.

The original work that you are copying must be a lawfully acquired or purchased copy of the work. For more information regarding the fair use analysis, please see the [Fair Use pages](#) on the LSU Libraries' [copyright information pages](#), or drop by LSU Libraries Copyright Office Hours.

Complete and retain a copy of this checklist for each fair use of a work in order to establish a "reasonable and good faith" attempt at applying fair use, should any dispute regarding such use arise. This worksheet is provided as a tool for assessing fair use. It is not intended as legal advice. For legal advice, please contact [LSU General Counsel](#).

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