



# University Libraries

## FAIR USE ANALYSIS CHECKLIST

### Course Information

<i>Instructor's Name:</i>
<i>Instructor's Email:</i>
<i>Department and Course Number:</i>
<i>Course Title:</i>
<i>Number of Students in Class:</i>

<b>Title of work:</b>
<b>Portion to be used (pages):</b>

The following "fair use" checklist should be used in determining whether submitted materials may be placed on electronic reserves without obtaining permission from the copyright owner. For each of the four sections below, determine whether that factor favors or disfavors a finding of fair use.

**Directions: Check all boxes that apply.**

Favors Fair Use	Disfavors Fair Use
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### PURPOSE

	<b>Educational</b>		<b>Commercial</b>
	Teaching(multiple copies for classroom use)		Entertainment or other
	Research		
	<b>Transformative or Productive Use</b> (Work used to serve new purpose, e.g., comment, criticism, parody)		<b>Non-transformative</b> Verbatim or exact copy
	<b>Non-profit use</b>		<b>For profit use</b>

### NATURE

	<b>Factual, nonfiction, news</b>		<b>Creative work</b>
			(Art, music, fiction)
			<b>Consumable work</b>
			(Workbooks, tests)
	<b>Published work</b>		<b>Unpublished work</b>

### AMOUNT

	<b>Small quantity</b>		<b>Large portion or entire work</b>
	A single chapter from a book		
	Excerpt less than 10% of work		
	A single article from journal		
	<b>Portion used is not central or significant to entire work</b>		<b>Portion used is central or “heart of the work”</b>
	<b>Amount is appropriate to educational purpose</b>		<b>Amount more than necessary for educational purpose</b>

### EFFECT

	<b>Copyrighted work lawfully purchased or acquired by library or instructor</b>		<b>Copyrighted work obtained through loan or other method</b>
	<b>One or few copies made and/or distributed</b>		<b>Numerous copies made and/or distributed</b>
	<b>No longer in print and/or lack of licensing mechanism</b>		<b>Currently available for purchase or licensing</b>
	<b>No significant effect on the market or potential market for copyrighted work</b>		<b>Significantly impairs market or potential market for copyrighted work</b>
			Copying is to substitute for purchase
			Could replace sale of copyrighted work

	<b>Restricted access</b>		<b>Publicly accessible</b>
	(Limited to students in a class or group)		On Web or broad dissemination
	<b>One-time use</b>		<b>Long term or repeated use</b>
	Spontaneous use		
	No time to obtain permission		

Where the factors favoring “fair use” outnumber the factors weighing against a “finding” of “fair use”, then you may conclude that “fair use” applies. Where less than half of the factors favor “fair use”, then permission from the copyright owner should be obtained. Where there is an even split or if there is uncertainty as to the treatment of the work with respect to “fair use”, or you have questions about interpretation, please feel free to contact [Shelia Gaines](#) in the McWherter Library Circulation Department.

To be filled out by the professor(s) requesting the submission of the material for placement on electronic reserve.

I have reviewed the material submitted for placement on electronic reserve and have concluded from the checklist, that **(Please check only one)**:

	The material is protected under “fair use” and should be placed on electronic reserve
	Permission must be obtained from the copyright owner before the material can be placed on electronic reserve

Signature:	Date:
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Revised for use by University of Memphis from the “Checklist for Fair Use”, a project of the IUPUI Copyright Management Center.  
[www.copyright.iupui.edu](http://www.copyright.iupui.edu)