FAIR USE ANALYSIS CHECKLIST

Course Information

<table>
<thead>
<tr>
<th>Instructor's Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Instructor’s E-Mail</td>
<td></td>
</tr>
<tr>
<td>Department and Course #:</td>
<td></td>
</tr>
<tr>
<td>Course Title:</td>
<td></td>
</tr>
<tr>
<td># of Students in Class:</td>
<td></td>
</tr>
</tbody>
</table>

Title of work: ____________________________________________________________

Portion to be used (pages): ______________________________________________

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.

<table>
<thead>
<tr>
<th>Favors Fair Use</th>
<th>Disfavors Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PURPOSE</strong></td>
<td></td>
</tr>
<tr>
<td>Educational</td>
<td>Commercial, entertainment or other</td>
</tr>
<tr>
<td>• Teaching (including multiple copies for classroom use)</td>
<td></td>
</tr>
<tr>
<td>• Research</td>
<td></td>
</tr>
<tr>
<td>Transformative or Productive Use (work used to serve new purpose e.g. comment, criticism, parody)</td>
<td>Non-transformative, verbatim/ exact copy</td>
</tr>
<tr>
<td>Non-profit use</td>
<td>For profit use</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>NATURE</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Factual, nonfiction, news</td>
<td>Creative (art, music, fiction) or consumable (workbooks, test) work</td>
</tr>
<tr>
<td>Published work</td>
<td>Unpublished work</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>AMOUNT</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Small quantity</td>
<td>Large portion or entire work</td>
</tr>
<tr>
<td>• A single chapter from book</td>
<td></td>
</tr>
<tr>
<td>• Excerpt less than 10% of work</td>
<td></td>
</tr>
<tr>
<td>• An article from journal</td>
<td></td>
</tr>
<tr>
<td>Portion used is not central or significant to entire work</td>
<td>Portion used is central or “heart of the work”</td>
</tr>
<tr>
<td>Amount is appropriate to educational purpose</td>
<td>Includes more than necessary for education purpose</td>
</tr>
<tr>
<td>EFFECT</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Copyrighted work lawfully purchased or acquired by library or instructor</td>
<td>Copyrighted work obtained through loan or other method</td>
</tr>
<tr>
<td>One or few copies made and/or distributed</td>
<td>Numerous copies made and/or distributed</td>
</tr>
<tr>
<td>No longer in print and/or lack of licensing mechanism</td>
<td>Currently available for purchase or licensing</td>
</tr>
<tr>
<td>No significant effect on the market or potential market for copyrighted work</td>
<td>Significantly impairs market or potential market for copyrighted work</td>
</tr>
<tr>
<td>Restricted access (limited to students in a class or group)</td>
<td>Publicly accessible on Web or broad dissemination</td>
</tr>
<tr>
<td>One-time use</td>
<td>Long-term or repeated use</td>
</tr>
<tr>
<td>• Spontaneous use</td>
<td></td>
</tr>
<tr>
<td>• No time to obtain permission</td>
<td></td>
</tr>
</tbody>
</table>

If you have questions about interpretation, please feel free to contact Michelle Hostetter (shsttter@memphis.edu) in the McWherter Library Reserve Room.

To be filled out by professor 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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