FAIR USE CHECKLIST for Bennington College

Favoring fair use	Opposing fair use

PURPOSE

Favoring fair use	Opposing fair use
☐ Teaching (includes multiple copies for classroom use)	☐ Commercial activity
☐ Research	☐ Profiting from the use
☐ Scholarship	☐ Entertainment
☐ Nonprofit educational institution	☐ Bad-faith behavior
☐ Criticism	☐ Denying credit to original author
☐ Comment	
☐ News reporting	
☐ Transformative or productive use (changes the work for new utility)	
☐ Restricted access (to students or other appropriate group)	
☐ Parody	

NATURE

Favoring fair use	Opposing fair use
☐ Published work	☐ Unpublished work
☐ Factual or nonfiction based	☐ Highly creative work (art, music, novels, films, plays)
☐ Important to favored educational objectives	☐ Fiction

AMOUNT

Favoring fair use	Opposing fair use
☐ Small quantity	☐ Large portion or whole work used
☐ Portion used is not central or significant	☐ Portion used is central to or "heart of the work"
☐ Amount is appropriate for favored educational purpose	

EFFECT

Favoring fair use	Opposing fair use
☐ User owns lawfully purchased or acquired copy of original work	☐ Could replace sale of copyrighted work
☐ One or few copies made	☐ Significantly impairs market or potential market for copyrighted work or derivative
☐ No significant effect on the market or potential market for copyrighted work	☐ Reasonably available licensing mechanism for use of the copyrighted work
☐ No similar product marketed by the copyright holder	☐ Affordable permission available for using work
☐ Lack of licensing mechanism	☐ Numerous copies made
	☐ You made it accessible on the web or in other public forum
	☐ Repeated or long-term use