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## Fair Use Checklist

Name: Denis Gainty	Date:	August 1 2009	· ····································
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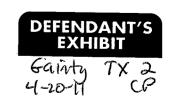
Instructions: Where the factors favoring fair use outnumber those against it, reliance on fair use is justified. Where fewer than half the factors favor fair use instructors should seek permission from the rights holder. Where the factors are evenly split, instructors should consider the total facts weighing in favor of fair use as opposed to the total facts weighing against fair use in deciding whether fair use is justified. Not all of the facts will be present in any given situation. Check only those facts that apply to your use. No single item or factor is determinative of fair use. Instructors should consult the Legal Affairs office at their instrution or at the Office of the Board of Regents if they have questions regarding analysis of the four factors.

For more information regarding the fair use factors, please see the fair use sections of the Policy on the Use of Copyrighted Works in Education and Research for the University System of Georgia, which can be found on the web at http://www.usg.edu/copyright/

Complete and retain a copy of this checklist for each "fair use" of a copyrighted work in order to establish a "reasonable and good faith" attempt at applying fair use should any dispute regarding such use arise.

## Factor 1: Purpose and Character of the Use

Weighs in Favor of Fair Use	Weighs Against Fair Use
Nonprofit Educational Teaching (including multiple copies for classroom use) Research or Scholarship Criticism, Comment, News Reporting, or Perody Transformative (use changes work for new utility or purpose) Personal Study Use is necessary to achieve your intended educational purpose	<ul> <li>□ Commercial activity</li> <li>□ Profiting from use</li> <li>□ Entertainment</li> <li>□ Non-transformative</li> <li>□ For publication</li> <li>□ For public distribution</li> <li>□ Use exceeds that which is necessary to achieve your intended advicational purpose</li> </ul>
∃ Fector Weighs in Favor of Fair Use	☐ Factor Weigns Against Fair Use



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## Factor 2: Nature of Copyrighted Work

Weighs in Favor of Fair Use	Weighs Against Feir Use
Published work Factual or nonfiction work Important to educational objectives	☐ Unpublished work ☐ Highly creative work (art. music, novels: films, plays, poetry, fiction)
A CONTROL WINDOWS CONTROL OF THE STATE OF TH	☐ Consumable work (workbook, test)
☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use
Factor 3: Amount and Su	ibstantiality of Portion Used
Weighs in Favor of Fair Use	Weighs Against Fair Use
El Small portion of work used	[] Large portion or entire work used
☐ Portion used is not central or	Portion used is central to work or
significant to entire work as a whole	"heart of the work"
Amount taken is narrowly tailored to educational purpose, such as	13 Amount taken is more than necessary for criticism, comment, research, or subject
criticism, comment, research, or	being taught
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