

University of Fairfax
Fair Use Helper

Can this be Fair Use or Not?

Project Date	
Project Title	
Project Author	

Can use of this publication be considered Fair Use or not will be broken down by the four factors used by the court system to decide Fair Use. The law is very vague and the court is the ultimate authority. Obtaining permission from the author is usually the safest route to take.

1. Purpose and Character of Use

Can be Fair Use

Nonprofit Educational Purposes

Criticism

Commentary

News Reporting

Teaching (including multiple copies)

Scholarship and Research

Private use

Internal use

Not Fair Use

For profit work

uncredited use of work

Deceptive use
(plagiarism)

Entertainment

2. Nature of the copyrighted work

Can be Fair Use

Factual works (nonfiction)

Not Fair Use

Creative works (art or fiction)

3. The Amount Used

Can be Fair Use

Small percentage

Non-central portion of a work

Not Fair Use

Entire work

Large portion of a work

Central part of a work

4. Potential Market or Value

Can be Fair Use

Nonprofit use

Limited quantity of copies

Acquired permission for use

Internal use (class, school use only)

Not Fair Use

Infringes on authors ability to profit from original work

External use (public)

Replaces original work in the market

Large quantities of copies

Based on:
Fair Use checklist by Columbia University
U.S. Copyright Law Section 107
ALA What is Fair Use? And Fair Use and Guidelines