

FAIR USE CHECKLIST

CHECKLIST FOR DETERMINING WHETHER FAIR USE APPLIES TO MATERIALS SUBMITTED FOR PLACEMENT ON ELECTRONIC RESERVE

The following "fair use" checklist should be used by professors in determining whether submitted materials may be placed on electronic reserves without obtaining permission from the copyright owner. Please fill out all applicable boxes in the four sections below to determine whether or not the material has favorable "fair use" treatment and may, therefore, be placed on electronic reserve. If the majority of boxes checked are under the "favorable fair use" column, then you may conclude that "fair use" applies. If less than half of the boxes checked are under the "favorable fair use" column, 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", you may contact the Dean of the Library for further guidance.

Favors Fair Use	Disfavors Fair Use
1. <u>Purpose and character of the use</u>	
<input type="checkbox"/> Educational (teaching, research)	<input type="checkbox"/> Commercial, entertainment
<input type="checkbox"/> Transformative use (work used to serve new purpose e.g. comment, criticism, parody)	<input type="checkbox"/> Exact whole copy
<input type="checkbox"/> Non profit use	<input type="checkbox"/> For profit use
2. <u>Nature of the copyrighted work</u>	
<input type="checkbox"/> Factual, nonfiction, news	<input type="checkbox"/> Creative (art, music, fiction)
<input type="checkbox"/> Published Work	<input type="checkbox"/> Unpublished Work
3. <u>Amount reproduced/copied</u>	
<input type="checkbox"/> Small quantity of work	<input type="checkbox"/> Large portion of work
<input type="checkbox"/> Portion used is not "the heart" of the work	<input type="checkbox"/> Portion used is central to the entire work
<input type="checkbox"/> Amount is appropriate to education purpose	<input type="checkbox"/> Material includes more than is educationally necessary
4. <u>Effect on the market</u>	
<input type="checkbox"/> One-time use	<input type="checkbox"/> Repeated use
<input type="checkbox"/> Work owned by library or instructor	<input type="checkbox"/> Material obtained through loan or other method
<input type="checkbox"/> No longer in print	<input type="checkbox"/> Work currently available for purchase or licensing
<input type="checkbox"/> Restricted Access	<input type="checkbox"/> Publicly available
<input type="checkbox"/> Only a few copies made	<input type="checkbox"/> Many copies made
<input type="checkbox"/> Absence of reasonable mechanism for obtaining permission	<input type="checkbox"/> Reasonably available mechanism for obtaining permission

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 is placed on electronic reserve

Name: _____ Signature: _____ Date: _____

Class: _____ Title of work: _____

Portion to be used (pages): _____

To be filled out by library personnel (please check only one):

- I have reviewed the submitted material and above checklist and approve of the material being placed on electronic reserve
- At this time, the material cannot be placed on electronic reserve. Permission must be obtained from the copyright owner

Name of library personnel: _____ Signature: _____ Date: _____

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