

RIT Libraries Fair Use Analysis Form

For use before using copyrighted materials

Name of Project Lead: _____

College/Department _____

Title of Copyrighted Work _____

Portion to Be Used (*i.e.* pages): _____

Project Description:

Directions: For each of the four sections below, determine whether that factor favors or disfavors a finding of fair use and check each box that applies. For each box checked in favor of fair use, explain how you came to that conclusion.

FAIR USE ANALYSIS FORM

PURPOSE OF THE USE

Favoring Fair Use

- Educational
 - Teaching
 - Research
 - Scholarship
 - Criticism
 - Comment

Explanation:

Disfavoring Fair Use

- Commercial, entertainment, or other

- Transformative use (changes the work to serve a new purpose)

Explanation:

- Non-transformative, verbatim/exact copy

- Non-profit use

Explanation:

- Profit-generating use

NATURE OF THE COPYRIGHTED MATERIAL

Favoring Fair Use

- Factual, nonfiction, news

Explanation:

- Published Work

Explanation:

Disfavoring Fair Use

- Creative (art, music, fiction) or consumable (workbooks, test) work

- Unpublished work

AMOUNT COPIED

Favoring Fair Use

- Small quantity (i.e. a single chapter or excerpt)

Explanation:

- Portion used is not central to the entire work as a whole

Explanation:

- Amount is appropriate to the intended use

Explanation:

Disfavoring Fair Use

- Large portion or entire work

- Portion used is central, or the “heart” of the work

- Includes more than necessary for the intended use

EFFECT ON THE MARKET FOR ORIGINAL

Favoring Fair Use

- No significant effect on the market or potential market for the copyrighted work

Explanation:

- One or few copies made and/or distributed

Explanation:

- No longer in print; absence of licensing mechanism

Explanation:

- Restricted Access (ex: limited to students in a class)

Explanation:

- One-time use, spontaneous use (no time to obtain permission)

Explanation:

Disfavoring Fair Use

- Cumulative effect of copying would be a substitute for the purchase of the copyrighted work

- Numerous copies made and/or distributed

- Reasonable licensing mechanism for obtaining permission to use the copyrighted work is currently available (i.e. CCC licensing or off-prints available)

- Will be making it publicly available on the Web or using other means of broad dissemination

- Repeated or long-term use

OTHER INFORMATION CONTRIBUTING TO FAIR USE RATIONALE (e.g. court cases, best practices statements, etc.):

ACCOMPANYING RIGHTS STATEMENT:

Document prepared by: _____ Date: _____