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: Check all boxes that apply. For each of the four sections below, determine whether that factor favors or disfavors a finding of fair use. For each box checked in favor of fair use, explain how you came to that conclusion.

FAIR USE ANALYSIS FORM

PURPOSE OF THE USE

<table>
<thead>
<tr>
<th>Favoring Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Educational</td>
</tr>
<tr>
<td>o Teaching</td>
</tr>
<tr>
<td>o Research</td>
</tr>
<tr>
<td>o Scholarship</td>
</tr>
<tr>
<td>o Criticism</td>
</tr>
<tr>
<td>o Comment</td>
</tr>
</tbody>
</table>

Explanation:

<table>
<thead>
<tr>
<th>Disfavoring Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Commercial, entertainment, or other</td>
</tr>
</tbody>
</table>

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

Explanation:

| Non-transformative, verbatim/exact copy                                            |

| Nonprofit use                                                                     |

Explanation:

| Profit-generating use                                                              |

| □ Non-profit use                                                                  |

Explanation:
NATURE OF THE COPYRIGHTED MATERIAL

Favoring Fair Use

- □ Factual, nonfiction, news
  Explanation:

Disfavoring Fair Use

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

- □ Published Work
  Explanation:

- □ Unpublished work

AMOUNT COPIED

Favoring Fair Use

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

Disfavoring Fair Use

- □ Large portion or entire work

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

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

- □ Amount is appropriate to educational purposes
  Explanation:

- □ Includes more than necessary for educational purposes
### 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 to substitute for purchase of the copyrights work**

- **☐ Numerous copies made and/or distributed**

- **☐ Reasonably available licensing mechanism for obtaining permission to use the copyrighted work 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**