

ATTACHMENT 22: FAIR USE REQUEST

Name: _____

Request: _____

Date: _____

Request Approved _____ Request Denied _____

Reason _____

Librarian Signature _____ Date _____

Librarian Use Only

Purpose

Favoring Fair Use

- Teaching
- Research
- Scholarship
- Nonprofit
- Comment
- News Reporting
- Transformative or Productive use
- Parody

Opposing Fair Use

- Commercial Activity
- Profiting from Use
- Entertainment
- Bad-Faith Behavior
- Denying Credit to Original Author

Nature

Favoring Fair Use

- Published Work
- Factual or Nonfiction Based
- Important to Favored Educational Objective

Opposing Fair Use

- Unpublished Work
- Highly Creative Work
- Fiction

Amount

Favoring Fair Use

- Small Quantity
- Portion used is not central or significant to entire work
- Amount is appropriate for favored educational purpose

Opposing Fair Use

- Large portion or whole work used
- Portion used is central to or “heart of the work”

Effect

Favoring Fair Use

- User owns lawfully purchased or acquired copy of original work
- One or few copies made
- No significant effect on the market or potential market for copyrighted work
- No similar product marketed by the copyright holder
- Lack of licensing mechanism

Opposing Fair Use

- Could replace sale of copyrighted work
- Significantly impairs market or potential market for copyrighted work or derivative
- Reasonably available licensing mechanism for use of copyrighted work
- Affordable permission available for using work
- Numerous copies made
- Making it accessible on the Web or in another public forum
- Repeated or long-term use