Supporting the Fair Use Reasoning Process

Name ___________________________ Date __________________

PROJECT: __________________________

PURPOSE OF ORIGINAL COPYRIGHTED MATERIAL *
Think about the purpose of the original work. Why was it created? What was its purpose?

______________________________________________________________________

YOUR PURPOSE *
Think about the purpose for your use. Are you using the work for teaching, scholarship, criticism, comment, parody, in good faith crediting the original author of the work?

Yes  No

PURPOSE: Justify *
How is your purpose for using the copyrighted work different from the author’s original purpose?

______________________________________________________________________

NATURE & AMOUNT *
Was the material taken appropriate in kind and amount, considering the nature of the copyrighted work and of the use?

Yes  No

NATURE: Explain *
Explain how you think the material taken was or was not appropriate in kind and amount considering the nature of the copyrighted work and of the use.

______________________________________________________________________

TRANSFORMATIVENESS *
Did the unlicensed use “transform” the material taken from the copyrighted work by adding value? Is the use of copyrighted material contributing to a unique new creative work or does your use of the copyrighted material mostly repeat the work for the same intent and value as the original?

______________________________________________________________________

EFFECT: What are my choices? *
Now that you have considered the rights of owners and you own needs and purposes as a user in determining whether to ask for permission, pay a license fee, or claim fair use what do you think you should do?

☐ Ask for permission
☐ Pay a license fee
☐ Claim fair use
☐ Choose another source (creative commons)

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