



Schoolcraft College Writing Fellows Program

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Fair Use Checklist

The distinction between “fair use” and infringement may be unclear and not easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission.

--United States Copyright Office
Fact Sheet FL-102

This checklist was originally adopted by the Schoolcraft College Cabinet on May 10, 2000. It was revised by the cabinet on May 23, 2001. The Cabinet reviewed the policy on December 4, 2001. For an explanation of some of these items, please go to <http://www.schoolcraft.edu/fellows/classroom/fair-use-checklist.html>.

Purpose—How will the “work” be used by you?

Favoring Fair Use

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit Educational Institution
- Criticism
- Comment
- News reporting
- Transformative or Productive use (changes the work for new utility)
- Restricted access (to students or other appropriate group)
- Parody

Opposing Fair Use

- Commercial activity
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to original author

Nature—What is the nature of the “work”?

Favoring Fair Use

- Published work
- Factual or nonfiction based
- Important to educational objectives

Opposing Fair Use

- Unpublished work
- Fiction
- Highly creative work (art, music, novels, films, plays)

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Amount—How much of the “work” do you plan to copy?

Favoring Fair Use

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

Opposing Fair Use

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

Effect—As a result of your copies, will the copyright holder be deprived of sales revenue?

Favoring Fair Use

- User owns lawfully acquired or purchased 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 the copyrighted work
- Affordable permission available for using work
- Numerous copies made
- You made it accessible on Web or in other public forum
- Repeated or long term use

Avoiding Plagiarism

Too often, individuals confuse plagiarism and fair use. For example, they assume that as long as they cite their source, they can make multiple copies of a copyrighted work to distribute to their classes or at a meeting. While they are not plagiarizing the material, they might be violating the owner’s copyright. Also, some people feel that as long as they are the legal owner of a piece of writing, they may submit it as their own work. Even if someone owns a copyright, they must still cite their source.

References and Resources

Gumness, Glen. “A Visit to Copyright Bay.” 22 May 2004. University of St. Francis. 15 October 2004.
<<http://www.stfrancis.edu/cid/copyrightbay/>>

Harper, Georgia K. “Copyright Crash Course.” 2001. University of Texas. 15 October 2004.
<<http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm>>

“Introduction to Copyright Law.” 21 October 2004. Schoolcraft College Writing Fellows. 21 October 2004. <<http://www.schoolcraft.edu/fellows/copyright/>>

United States Copyright Office. 1999. “Fair Use” (Fact Sheet #FL-102). 15 October 2004.
<<http://www.copyright.gov/fls/fl102.html>>

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