



Copyright & Fair Use: Fair Use Evaluation Worksheet

Your fair use determination must be made based on weighing and balancing these four factors

Purpose and character of your use. Using material in a non-commercial environment and for a nonprofit educational purpose, such as criticism and commentary, is generally favored under fair use analysis.

What is the purpose of your use?

	Commercial use		→	Nonprofit educational use	
	1	2	3	4	5

Nature of the work. Using works that are mostly factual in nature will strengthen the fair use argument.

How creative is the work?

	Highly creative		→	Highly factual	
	1	2	3	4	5

Amount used. The amount of the work you use should be only as much as is necessary to illustrate your point.

Percentage of the work used:

	100%		→	<1%	
	1	2	3	4	5

Effect on the market. If your use of a work is not a substitute for purchasing it, that will have less effect on the market and will strengthen the fair use argument.

Effect on the market:

	Little effect		→	Significant effect	
	1	2	3	4	5

In the space below, explain how this work will be used and why the amount used is appropriate for your pedagogical purpose.