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 (is it *transformative*?) Fair use is most likely to apply if your use of a work is transformative. Using a work for educational purposes, such as commentary and criticism, will strengthen your fair use argument since that use differs from the original purpose of the work.

	Not transformative → Highly transformative				
How transformative is your use?	***1***	***2***	***3***	***4***	***5***

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

	Highly creative → Highly factual				
How creative is the work?	***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.

	100% → <1%				
Percentage of the work used:	***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.

	Little effect → Significant effect				
Effect on the market:	***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.

Meg Oakley
Director, Copyright & Scholarly Communication
meg.oakley@georgetown.edu
202-687-0302