



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.

How transformative is your use?

Not transformative —————> Highly transformative

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.