

**Colby-Sawyer College
Adventures in Learning**

Study Group Leader Fair Use Checklist for Copyrighted Materials

This form is designed to help study group leaders evaluate their planned usage of copyrighted materials. Study group leaders must complete the form and return it, along with the master copy of the material for bound copies, to the Adventures in Learning Office where it will be kept on file as a way to establish “reasonable and good-faith” attempts to apply fair use.

You should check as many boxes as apply to your situation. It is likely that you will check more than one box in each section and across columns. Please remember that the checkmarks on the favoring fair use side should outweigh those on the opposing fair use side.

Colby-Sawyer College
Adventures in Learning
Fair Use Checklist for Copyrighted Materials

Study group leader name _____

Course title _____

Date _____

Purpose of Use

Favoring Fair Use

- Nonprofit activity
- Teaching, research, or scholarship
- Restricted access (available for students only)
- Noncommercial activity
- Credit to original author provided
- Criticism, comment parody

Opposing Fair Use

- Profiting from the use
- Noneducational
- Unrestricted access (available for public)
- Commercial activity
- Credit to original author not provided

Nature of Use

Favoring Fair Use

- User owns copy of original work
- Published work
- Factual or nonfiction based work

- Important to favored educational objectives
- Transformative or productive use

Opposing Fair Use

- User does not own copy of original work
- Unpublished work
- Fiction based or highly creative work (art, music, novels, films, plays)
- Not important to favored educational objectives

Amount of Work Used

Favoring Fair Use

- Small portion of the work used
- Portion used not central or significant to entire work
- Amount used is appropriate for favored educational purpose

Opposing Fair Use

- Large portion of or whole work used
- Portion used central to work or "heart of the work"
- Amount used is not appropriate for favored educational purpose

Effect of Use

Favoring Fair Use

- One or a few copies made (for participants in one class)
- No significant effect on the marketing/sale of copyrighted work
- No similar product marketed by or on behalf of the copyright holder
- Affordable permission not available for use
- No licensing mechanism available for use

Opposing Fair Use

- Numerous copies made (for repeated use or use in multiple classes)
- Significantly impairs marketing/sale of copyrighted work
- A similar product marketed by or on behalf of the copyright holder
- Affordable permission available for use
- Reasonably available licensing mechanism for use