

## **FAIR USE CHECKLIST**

Name:

Date:

Class or Project:

Course and Term:

Title of Copyrighted Work:

Author and Publisher:

Portion(s) to be used (e.g., pages, timer counts):

### **Instructions:**

The checklist is a tool that allows you to perform a rigorous fair use analysis, and each portion of the checklist below should be completed. Not all of the factors will be present in any given situation. Check only those factors that apply to your use. Where there are counter factors, usually one or the other applies. No single item or factor is determinative of fair use, but several factors carry different weights as indicated below. The final determination is based on a holistic weighing or balancing of the four factors. Even so, you do not need to have all factors or all details pointing in favor of or against fair use. You should consult the Legal Affairs office at your institution or at the Office of the Board of Regents if you have questions regarding analysis of the four factors.

For more information regarding the fair use factors, please see the fair use sections of the Policy on the Use of Copyrighted Works in Education and Research for the University System of Georgia, which can be found on the web at <http://www.usg.edu/copyright/>.

Complete and retain a copy of this checklist for each “fair use” of a copyrighted work in order to establish a “reasonable and good faith” attempt at applying fair use should any dispute regarding such use arise.

**Factor 1:**

### **Factor 3: Amount and Substantiality of Portion Used**