

Fair Use Worksheet

Directions: Use this worksheet to determine if the item you are interested in could be used in your classroom or research. You must be able to ascertain all four criteria.

1. Purpose and character of this use:

□ Educational use***
  - One semester per year for articles
  - No more than 10% of the entire work for books
  - Movies must be purchased by the library, or by the University – home versions are not covered
  - Must be handed out in class or placed in Ereserves or another password protected system for the students to obtain themselves if used with an online or blended class.

□ Transformative use i.e. creates something new (and normally uses no more than 12% of original)

□ Research with commentary added (analysis, review, satire)

2. Nature of the original work:

□ Published work
□ Published before
□ Unpublished work ***
  - Is it an “orphan”?
  - Did it lose copyright status?
  - Is the author still alive?
  - Has the author been dead more than 70 years, and the heirs did not republish and renew the copyright?
□ In the Public Domain?
  - Rights have expired,[1]
  - Rights have been forfeited,[2]
  - Rights are inapplicable (forms, Government documents, federal laws***, court decisions***)
  - *** Westlaw, Lexis Nexus, EBSCO, etc., claim “Sweat equity” articles, laws, decisions, etc. are copyright if you get them from database vendors

□ Facts & Ideas

3. Amount and substantiality of the original used:

□ Small portion copied
□ Portion copied is not central to the work (“Heart of the work” )
□ Portion used is just enough to accomplish the goal.

4. Effect on potential market or future use of the original:

□ Would not diminish the market potential for sale of item, or future use.
□ One copy made or a limited number of copies made and distributed for educational purposes.
□ Original not available for purchase, licensing, or viewing online***(DMCA).
*** not pirated online
□ Access limited to students in one specific class
□ One–time use, spontaneous use (no time to obtain permission – not you did not make time, but it came up in a discussion, and you decided to locate it and distribute immediately after class.)
Useful Websites

- U.S. Copyright Office
  - The Laws
    - http://www.copyright.gov/title17/
  - Summary of DMCA

- Center for Social Media
  - http://www.centerforsocialmedia.org/

- Copyright Clearance Center (SLU has an account with CCC – see S. Colaric)
  - http://www.copyright.com/

- Creative Commons
  - http://creativecommons.org/

- Florida Memory Project Contains Public Domain images taken in Florida.
  - http://www.floridamemory.com/photographiccollection/

- Library Of Congress*
  - http://www.loc.gov

- MIT Free Courseware*
  - http://ocw.mit.edu/index.htm

- Open Culture
  - http://www.openculture.com/

- Project Gutenberg
  - http://www.gutenberg.org/

- Wikipedia Public Domain Image Sources