

Fair Use Checklist

SMU Libraries Copyright Team

www.smu.edu/copyright

Section 107 of U.S. Copyright Law provides for “fair use” of copyrighted materials as determined by four factors listed below. The four factors are meant as guidelines, not fixed rules, and all four are considered in relation to each other to determine whether or not a use is fair. This checklist is a tool to help you evaluate the fair use claim potential for your intended use of copyrighted materials.

Purpose and Character of Use

Favoring Fair Use	Disfavoring Fair Use
☐ Educational (teaching, research, scholarship, criticism, comment)	☐ Commercial activity
☐ Transformative (work differs from the original presentation or is transformed to serve a new purpose)	☐ Entertainment
☐ Non-commercial use	☐ For-profit use

☐ Published work	☐ Unpublished work
☐ Factual or nonfiction	☐ Fiction
☐ Important to educational objectives	☐ Highly creative work (art, poetry, music, novels, f, f, Θ

This document combines insights from the F