

GUIDE TO FAIR USE OF COPYRIGHTED MATERIAL

1. The purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes.

Likely to be a fair use	Favorable to fair use	Unfavorable
Nonprofit, teaching, scholarship/research, criticism, commentary, academic publishers. Transformative use (<i>i.e.</i> repurposes work for new audience). See best practices guides.	Parody, personal.	For-profit use.

2. The nature of the copyrighted work. (generally given less weight by courts).
Factual works are granted less protection than primarily creative works.

Likely to be a fair use	Favorable to fair use	Unfavorable
Factual (e.g. news report or scientific article).	A mixture of factual and imaginative.	Imaginative or consumable materials (e.g., workbooks, answer sheets).

3. How much of the work will be used in relation to the copyrighted work as a whole measured both quantitatively and qualitatively.

Likely to be a fair use	Unfavorable
~ 10% of a book undivided into chapters, or for a book that contains nine or fewer chapters. One chapter of a ten or more chapter book.	Substantial amount of work unless mitigating factors or transformative use.

4. The effect one's proposed use of the work might have on the market of the copyrighted work.

Likely to be a fair use	Unfavorable
Original is out of print or unavailable. Little/no demand for work. Posted on Internet by © owner. Use common sense.	Use substitutes for purchase of the original. Use substantially more than 10%.

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