

FAIR USE QUICK-GUIDE

- Is the copyrighted material to be used in a work of scholarship, criticism, comment, research, or for educational purposes?
- Is the copyrighted material reproduced verbatim?
- Does your work add something new to the copyrighted material?
 - Commentary
 - Analysis
 - New insight
 - Builds on or extends the original
 - New meaning
 - Different purpose or manner
- Fair use is more frequently found if the original work is factual rather than creative or artistic. If the original work is creative or artistic, the portion used must be accompanied by your comments, analysis, criticism, different interpretation, or other new or “transforming” original material.
- How important to the source work is the portion of text used in your work? Is it the “heart” of the original work, the most important feature or point of the work?
- For nontext original works, such as graphics, is the entire original work reproduced in your work? If so, is it necessary in order to recognize the original work (such as a photo)? Is it accompanied by original text, other graphic works, or original graphic art?
- Would your work serve consumers as a substitute for the original work?
- There is no set amount or percentage of the original text beyond which use is no longer fair use. How much of the original text can be used as fair use varies depending on the extent to which you add something new or otherwise transform the source material.