

Fair Use Quick Guide

Is educational use the same thing as fair use?

No, it is not the same thing. There are four factors used in determining fair use, per [Section 107 of Title 17](#) of the United States Code. All four apply each time that copyrighted material is used. Each point is considered separately, along with the cumulative balance of all four factors.

1: What is the purpose of the proposed use?

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|---|--|
| <ul style="list-style-type: none">• Educational use• Transformative use• Personal study or research• Spontaneous, one-time use vs. planned, repetitive use | <ul style="list-style-type: none">• Commercial use• Entertainment• Publishing• Failure to give credit to the author or copyright holder |
| TENDS TO WEIGH IN FAVOR OF FAIR USE | TENDS TO FAVOR THE COPYRIGHT OWNER |

2: What is the nature of the copyrighted work to be used?

| | |
|---|--|
| <ul style="list-style-type: none">• Factual work• Published work• Based on public documents | <ul style="list-style-type: none">• Creative work• Unpublished work |
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3: How much of the work would you use?

| | |
|---|---|
| <ul style="list-style-type: none">• Small percentage of the whole | <ul style="list-style-type: none">• More than a small percentage• The essential “heart” of the work• More than necessary to accomplish the purpose of the use |
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4: What effect would such use have on the market for the work?

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|--|---|
| <ul style="list-style-type: none">• Copyright owner is unidentifiable or cannot be located• Original is out of print or otherwise unavailable• No established market for permissions | <ul style="list-style-type: none">• Takes away from potential sales of the original.• Avoids payment for permission (royalties) in an established permissions market |
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