

FAIR USE

Fair use ([Section 107](#) of the U.S. copyright law) is an exception to the rights of copyright owners. Fair use is the right to use copyrighted material without permission or payment under some circumstances. This can include purposes such as teaching and scholarship. Your final determination on fair use may be made after a careful balancing of each of the following four factors.

Factor One: The Purpose and Character of the Use

Use of copyrighted material is more likely to be fair use under the first factor if it is for teaching (including multiple copies for classroom use), research, scholarship, criticism, comment, or news reporting. It is less likely to be fair if the user profits from the use or if it is for entertainment purposes.

Do not use if:

- *It is for entertainment purposes only.*
- *You are denying credit to the original author or creator.*
- *You are using it for bad-faith behavior.*
- *You are profiting from it.*

Factor Two: The Nature of the Work

This factor favors fair use for nonfiction works that are factual in nature. Use under factor two is less likely to be fair for creative works such as novels, poetry, plays, art, photography, music, and movies.

Do not use if:

- *It is unpublished work.*
- *It is highly creative work (as mentioned above).*
- *It is fiction.*

Factor Three: The Amount and Substantiality of the Portion Used

The third factor is more likely to favor fair use when an appropriate amount of the copyrighted work is used in relation to the purpose of the use. Use of copyrighted material is more likely to be fair under the third factor when a small quantity is used and when the portion used is not central or significant to the entire work. It is less likely to be fair if a large portion or the whole work is used, and if the portion used is the "heart of the work."

Do not use if:

- *It is a large portion or the whole work.*
- *The portion used is considered central or "heart of the work."*

Factor Four: The Effect on the Market

The fourth factor is more likely to favor fair use when the use of the copyrighted work does not harm the market for the work or its value. When a use is transformative, it is less likely that the market for the original work is damaged.

Do not use if:

- *It will be accessible on the web or in another public forum.*
- *It is a repeated or long-term use.*
- *It could replace the sale of the original copyrighted work.*
- *It was affordable or reasonable for you to obtain permission to use the work.*



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Adapted from: <https://uri.libguides.com/fairuse/fairuse>