

FAIR USE:

A QUICK FAIR USE CHECKLIST:

"the breathing room to allow freedom of expression within copyright law"

FAIR USE is determined by 4 principles:



[favoring fair use]



[not favoring fair use]

1) PURPOSE & CHARACTER OF USE: (i.e. Non-profit or commercial)

- | | | | |
|--------------------|--------------------------|-----------------------------------|--------------------------|
| Scholarship | <input type="checkbox"/> | For profit | <input type="checkbox"/> |
| Non-profit Univ. | <input type="checkbox"/> | Entertainment | <input type="checkbox"/> |
| Criticism | <input type="checkbox"/> | Bad Faith Behavior | <input type="checkbox"/> |
| Commentary | <input type="checkbox"/> | Denying credit to original author | <input type="checkbox"/> |
| Transformative use | <input type="checkbox"/> | | |
| Parody | <input type="checkbox"/> | | |

2) NATURE OF THE COPYRIGHTED WORK: (i.e. Fact or fiction)

- | | | | |
|-------------------------------------|--------------------------|------------------------------------|--------------------------|
| Published work | <input type="checkbox"/> | Unpublished work | <input type="checkbox"/> |
| Factual or non-fiction | <input type="checkbox"/> | Highly creative (art, photography) | <input type="checkbox"/> |
| Important to educational objectives | <input type="checkbox"/> | Fiction | <input type="checkbox"/> |

3) AMOUNT & SUBSTANTIALITY: (i.e. How much of it & how important: a.k.a: quantity & quality)

- | | | | |
|---|--------------------------|---|--------------------------|
| Small quantity | <input type="checkbox"/> | Large amount or whole work used | <input type="checkbox"/> |
| Not central to entire work | <input type="checkbox"/> | Central to work, i.e. "heart of the work" | <input type="checkbox"/> |
| Amount is appropriate for favored purpose | <input type="checkbox"/> | | |

4) EFFECT: (i.e.. Does using it impact author's ability to market it?)

- | | | | |
|-----------------------------|--------------------------|----------------------------|--------------------------|
| User purchases it | <input type="checkbox"/> | Use impairs market of work | <input type="checkbox"/> |
| One or fewer copies exist | <input type="checkbox"/> | License exists | <input type="checkbox"/> |
| No effect on market of work | <input type="checkbox"/> | Affordable copies exist | <input type="checkbox"/> |
| No similar product exists | <input type="checkbox"/> | Numerous copies exist | <input type="checkbox"/> |
| Lack of license | <input type="checkbox"/> | Put it on the web | <input type="checkbox"/> |
| | | Long term use intended | <input type="checkbox"/> |

Don't toil in obscurity!
Submit your work to...

ScholarWorks@CSUN

A digital service of
CSU-Northridge &
OVIATT LIBRARY

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California State University
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Copyright: THE BASICS

for more information check online at: <http://library.csun.edu/Guides/Copyright>

Remember:
copyright is **AUTOMATIC!**
You **DON'T** have to register to be
considered a copyright owner.

CONTACT: Andrew Weiss
Digital Services Librarian
326 Oviatt Library
818-677-2571
andrew.weiss@csun.edu



Image: Powerhouse Mechanic by Lewis Hine, 1920

YOU are a copyright owner if you have ever:

- taken a photo
- drawn a picture
- written:
 - a story,
 - a criticism of a story,
 - a book review,
 - an academic paper,
 - a Graduate thesis
- videotaped your family vacation

DURATION:
your lifetime + 70 years

However, marketability of most copyrights diminishes over time:
after 10 years: 50% had no value
after 43 years: 90% had no value
after 65 years: 99% had no value

Copyright protects authors, but was also intended to prevent monopolies on ideas & foster creativity:

As a result, you do have rights to use many materials even if they fall under copyright protection.



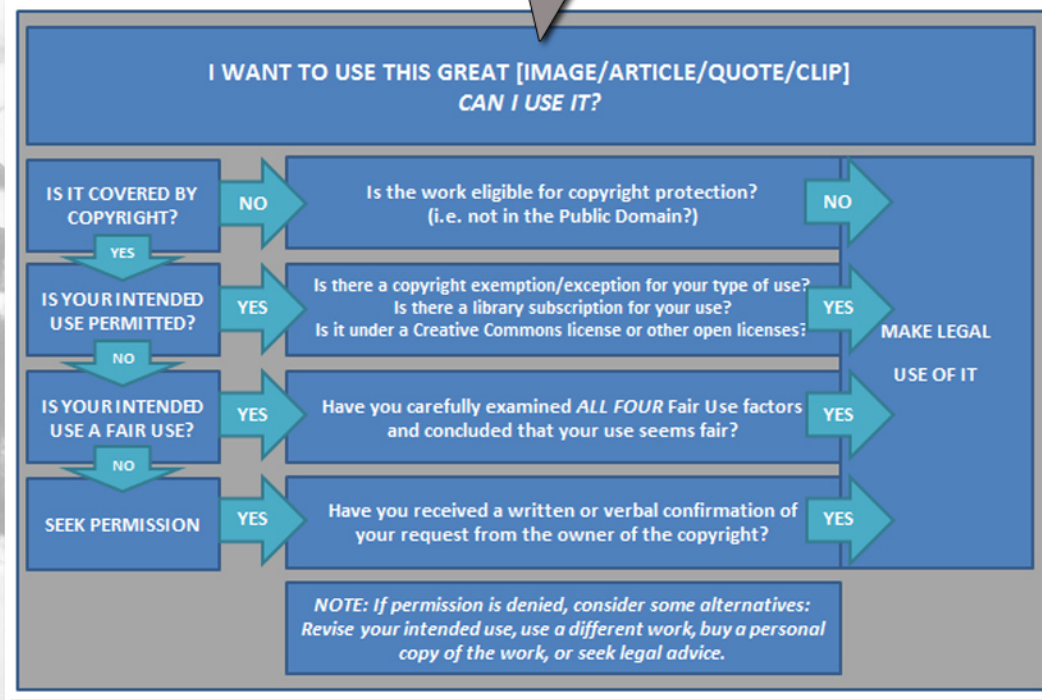
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