

Name: _____ Period _____

Development Worksheet #18

RESOURCE PERMISSIONS and CREDITS

Please do this analysis to decide if your proposed use of a copyrighted work may be used within the scope of fair use. **Make more copies of this worksheet if you use more than one outside Resource.**

Intended use:

Project: _____ Number of students using it: _____

Description of Resources used:

Author/Editor/Translator: _____

Publisher & year published: _____

Book/Journal Title: _____

Chapter/Article Title: _____

Music Company/Artist: _____

Song Title: _____

1. What is the **PURPOSE** of the proposed use? Check all that apply.

FAVORS FAIR USE

- Teaching
- Research
- Scholarship
- Parody
- News reporting
- Nonprofit Educational Institution
- Restricted Access (Available only to students or other appropriate group)
- Transformative or Productive use (Changes the work for new utility; adds value to the work, or does not diminish the market)

OPPOSES FAIR USE

- Commercial Activity (Ask, will this be sold?)
- Profiting from the use
- Entertainment
- Bad-faith behavior (Ignoring Copyright Law)
- Denying credit to original author

2. What is the **NATURE** of the copyrighted work from which it will be used? Check all that apply.

FAVORS FAIR USE

- Published Work
- Factual or nonfiction based
- Important to favored educational objectives

OPPOSES FAIR USE

- Unpublished work
- Fiction
- Highly creative work (Art, music, novels, films, plays)

3. What **AMOUNT** of the copyrighted work will be used? Check all that apply.
 You should measure the amount of material both by amount and content of it. What percent of the entire work will you use? (The reproduction of an entire work weighs against fair use.) NOTE: A reproduction that is relatively small but still uses the “heart” of the work will also weigh against fair use. **Rule of thumb: 10% of a song or article can be used without copyright infringement.**

FAVORS FAIR USE

- Small quantity of work to be used
- Portion used is not central or significant to entire work
- Amount is appropriate for favored educational purpose

OPPOSES FAIR USE

- Large portion or entire work to be used
- Portion used is central to work or “heart of the work”

4. What is the **EFFECT** on the market or potential market if this item is used? Check all that apply.
 (Reproduction that substitutes for the purchase of the original weighs heavily against fair use)

FAVORS FAIR USE

- User owns lawfully acquired or purchased copy of original work
- One or few copies made
- No significant effect on the market or potential market for the copyrighted work
- No similar product marketed by the copyright holder

OPPOSES FAIR USE

- Could replace sale of copyrighted work
- Significantly impairs market or potential market for copyrighted work or derivative
- Reasonable available licensing mechanism for use of the copyrighted work
- Numerous copies made
- Made openly accessible on the Internet or in other public forum
- Repeated or long-term use desired

Completed Analysis: (Check one of the following statements after completing the checklist.)

- Based on the fair use analysis completed above, We/I have decided that our use of the material falls within the fair use exception.
- Based on the fair use analysis completed above, we/I have decided that our use of the material does not fall within the fair use exception. We/I will try to get permission from the copyright owner before using the materials in our project.

Signature/Initials of Team Members: _____ Date: _____

5. Write a description of the credits you will display in your project:

Some parts of this form were adapted from documents prepared by the Copyright Management Center, Indiana University, Purdue University Indianapolis, Brigham Young University, and University of North Carolina’s 2001 Copyright Policy.

Approved by: _____ Date: _____

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