

Is That Fair Use?


Examining the Four Factors to Make Informed Decisions

What is it?

Legal statute that promotes freedom of expression by allowing the use of unlicensed copyrighted works in certain circumstances.


Factor 1

Purpose and Character of the Use privileges non-profit/ educational uses over commercial uses, and analyzes how your use transforms or builds upon the original content.

 **Think:** Added criticism, commentary, and new insights.


Factor 2

Nature of the Copyrighted Work looks at the status of the work you're reusing; published and/or nonfiction works are more likely to be seen as fair use than unpublished and/or fictional works.

 **Think:** Published, factual content instead of unpublished, creative content.


Factor 3

Amount or Substantiality of the Portion Used examines the amount and significance of the copyrighted text that you're reusing, pointing to shorter excerpts and supporting components as being fair use.

 **Think:** Less is more, and the heart of the work.

Factor 4

Competitive Factor ensures that your use isn't taking away income from the copyrighted source or impinging upon a new or potential market for the copyrighted work.

 **Think:** Stealing the spotlight and profits.

Learn More

<https://www.abc-clio.com/is-that-fair-use-copyright-in-schools-conferences-and-publications/>