DRAFT
Virginia Tech Fair Use Analysis Checklist
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In addition to a web-based Fair Use Analysis Tool being developed by DLA at the request of the Graduate School, there are also various mechanisms available to help you determine whether you may use another’s copyrighted work without asking permission. See the Fair Use Checklist adapted from the Copyright Management Center at IUPUI http://www.copyright.iupui.edu/checklist.htm and the University of Minnesota’s “Fair Use Analysis Tool” at http://www.lib.umn.edu/copyright/checklist.phtml

[Include a description and/or the citation for the item under consideration for fair use.]

Factor 1: Consider the purpose and character of the use you made of someone else’s copyrighted materials in your ETD.

Known assumptions impacting this factor: VT ETDs freely available on the Internet is considered the equivalent to having multiple copies available. VT is a non-profit educational institution. One purpose of the use is research, academic and educational.

1. Was the purpose of your use of the copyrighted work for a business purpose or commercial activity? Yes ☐ No ☑

2. Was the reason for using the copyrighted work to entertain? Yes ☐ No ☐

3. Was criticism, commentary, news reporting, or parody a reason for using the copyrighted work in your ETD? Yes ☐ No ☑

4. Have you given credit to the author or creator of the copyrighted work in your ETD? Yes ☑ No ☐

5. Did you redo or alter the copyrighted work to serve a new purpose when you used it in your ETD? Yes ☐ No ☑

Factor 2: Consider the nature of the copyrighted work you used in your ETD.

1. Is it a creative work, such as a painting, poem, or work of fiction? Yes ☐ No ☑

2. Did it come from a published work? Yes ☑ No ☐

3. Is it a factual work, such as a quote from a scientific journal, a graph or table derived from statistical data? Yes ☑ No ☐
Factor 3: Consider the extent and significance of the copyrighted work you used.

1. Did you use a substantial portion of the copyrighted work? Yes

2. Was the part of the copyrighted work you included in your ETD a negligible part of the copyrighted work? Yes

3. Was the portion of the work you included in your ETD a noteworthy part of the copyrighted work? Yes

Factor 4: Consider the effect your use of the copyrighted material will have on the sale or potential sale of the copyrighted work.

1. Did you lawfully acquire a copy of copyrighted material you used in your ETD? Yes

2. Could access to the copyrighted work in your ETD have a notable effect on the market or potential market for the original work? Yes

3. Is there a licensing mechanism in place for using the copyrighted work? Yes

4. Could access to the copyrighted material in your ETD replace the sale or use of original copyrighted work? Yes

5. Would it be affordable (i.e., cost-effective) for you to get permission for using the copyrighted work? Yes