Did you create this Intellectual Property (IP) yourself?

Yes → You may use your own IP in whatever way you wish. This is not called "Fair Use." It is simply general legal use.

No → Do you have a legal copy?

No → STOP

If obtained illegally, all subsequent use is illegal.

Yes → Do you have a license or direct permission to use this IP?

Yes → You may use the IP in whatever way permitted by the licence or agreement. This is legal use, not "Fair Use."

No → Has the copyright expired OR was this IP created by the government OR has the IP owner specifically designated it as Public Domain?

Yes → You may use this IP in whatever way you wish including commercially, however, you may not make an "unreasonable" profit. This is general legal use, not "Fair Use."

No → Now establish whether or not your proposed use of this IP is allowed under Fair Use guidelines.

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Are you a student, teacher, librarian, journalist, or humorist/satirist wanting to use this IP in your capacity as a student, teacher, librarian, journalist or humorist/satirist?

No

STOP

Only certain people performing certain functions that benefit society as outlined in copyright law are permitted to use someone else's IP without permission under Fair Use guidelines.

Yes

Is the purpose of your use education, research, scholarship, journalism, or humor?

No

STOP

Do not confuse Fair Use with legal use of IP that applies to the general public. For instance, when you record a TV program to watch it later that is general legal use. If you record the program to use in class, that's Fair Use.

Yes

What is the nature of the work?

Published, factual, widely available

Unpublished, creative, limited availability

Less Likely Fair Use

STOP

More Likely Fair Use

Small amount, not the "heart" of the work

Substantial amount, the "heart" of the work

Less Likely Fair Use

STOP

More Likely Fair Use

Little to no effect

Substantial negative effect

Less Likely Fair Use

STOP

What is the effect of your use on the value/market for the original work?

Under most circumstances you may NOT alter the IP

Give credit for the IP

Include this statement somewhere in your work: "Portions of this presentation (or document, work, etc.) are used under Fair Use guidelines. Further duplication or distribution is prohibited."

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*see portion limitation diagram
Fair Use portion limitations

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