Fair use

What is “Fair Use?”

Fair use is a limitation on the copyright holder's exclusive rights and provides that reproduction and other uses "for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research, is not an infringement of copyright" (17 U.S.C. & 107).

Before you publish, make sure you examine all the factors surrounding the circumstances of your proposed use.

A finding of fair use is normally a fact-specific analysis of these four factors:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes

2. The nature of the copyrighted work

3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole

4. The effect of the use upon the potential market for or value of the copyrighted work

Note that using a copyrighted work for non-profit educational purposes is not automatically fair use; it is only one of the factors to consider in making a finding of fair use. Remember that if the use you are considering is not fair use, you may still be able to use the work by seeking permission from the copyright holder.
Fair Use Evaluation

Here is a tool to help you analyze whether your intended use is likely to be fair use:

- OSU Libraries Copyright Resources Center
go.osu.edu/fairuse

- OSU Health Sciences Library
  http://hsl.osu.edu/copyright/fair-use-checklist

Here are additional resources for helping you evaluate fair use:

- Fair Use Checklist
  http://copyright.columbia.edu/copyright/fair-use/fair-use-checklist/

- ALA's OITP Fair Use Evaluator
  http://librarycopyright.net/resources/fairuse/

- What Is Fair Use? Video
  http://streamwww.classroom.ohio-state.edu/flash/digitalunion/14014-1/

- A Fair(y) Use Tale Video
  https://www.youtube.com/watch?v=CJn_jC4FND0

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