

# Rochester Institute of Technology

## Fair Use Checklist

**Date:** Academic Year 2016-17

**Prepared by:** Innovative Learning Institute

**Prepared for:** Rochester Institute of Technology

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### Fair Use Checklist

RIT creates, preserves, and disseminates knowledge through teaching, learning, research, and scholarship. RIT encourages the creation and publication of original works of authorship and the free expression and exchange of ideas. These creations and publications may involve faculty, student, staff, and third-party authors that result in copyrightable intellectual property that can be shared with others. The Intellectual Property Policy (C3.0) is intended to protect the interests of both intellectual property creators and RIT, while also ensuring that the RIT community and society benefit from the fair and full dissemination of knowledge and innovation.

The Copyright Policy (C3.2) is intended to protect the interest of copyright holders, ensure that RIT, its faculty, staff, student and visitors comply with copyright law and the Technology Education and Copyright Harmonization Act, and to ensure that the RIT community, and society at large, benefit from the fair and full dissemination of copyrighted knowledge and innovation.

C3.0 is the appropriate policy to consult when members of the RIT community seek to determine if they are creators of intellectual property. C3.2 is the appropriate policy to consult when members of the RIT community seek to determine if they may use the intellectual property of another, without that individual's consent or the payment of royalties and/or licensing fees. Nothing in the policy should be interpreted to relieve the RIT community from adhering to other RIT policies and procedures, RIT contract provisions, including those in research agreements, or federal and state copyright laws.

Every edX course developer (faculty/instructor) must review RIT's policy located at <https://www.rit.edu/academicaffairs/policiesmanual/c032>. After reviewing the policy, each course developer must complete this form and sign before submitting the final course for review by RIT and edX.

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Course Name: \_\_\_\_\_

Program Name: \_\_\_\_\_

Course Developer Name: \_\_\_\_\_ Date: \_\_\_\_\_

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## Purpose

### Favoring Fair Use

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit educational institution
- Criticism
- Comment
- News reporting
- Transformative or productive use (changes the work for new utility)
- Restricted access (to students or other appropriate group)
- Parody

## Nature

### Favoring Fair Use

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

## Amount

### Favoring Fair Use

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

## Effect

### Favoring Fair Use

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

### Opposing Fair Use

- Commercial activity
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to original author

### Opposing Fair Use

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

### Opposing Fair Use

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

### Opposing Fair Use

- Could replace sale of copyrighted work
- Significantly impairs market or potential market for copyrighted work or derivative
- Reasonably available licensing mechanism for use of the copyrighted work
- Affordable permission available for using work
- Numerous copies made
- You made it accessible on the Web or in other public forum
- Repeated or long-term use