Fair Use – The Four Factors

The U. S. Copyright Law, Section 107, provides four factors that must all be considered, when deciding whether a work can be used, includes: reproductions, performance, display, modification, and distribution, without prior permission from the author/creator.

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

2. The nature of the copyrighted work - scholarly or creative? nonfiction/scholarly is better

3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole – least amount used is best and not the “heart of a work”

4. The effect of the use upon the potential market for or value of the copyrighted work – will copyright holder lose $$ if used?