

**AZUSA PACIFIC UNIVERSITY  
COPYRIGHT COMPLIANCE CHECKLIST**

According to Azusa Pacific University’s Copyright Compliance Policy, all members of the University community, including faculty, staff, students, administrators, and volunteers, are required to avoid actions that constitute an infringement of a third party’s copyright. The scope of protected works is very broad and includes nearly all forms of captured content, including, but not limited to books, photographs, architectural drawings, music, sculpture, dramatic works, video, motion pictures, electronic media, software, multimedia works, and databases. The University will defend legal actions brought against University members for alleged copyright violations that occur in the course of carrying out their responsibilities for the University, provided that such members act in good faith by following University guidelines and advice provided by appropriate University officials. University members who disregard the Copyright Compliance Policy place themselves individually at risk of liability. In such cases, the University may decline to defend the individual.

Good faith is presumed when, prior to making use of any copyrighted work, the member (1) completes this Copyright Compliance Checklist, documenting that it has obtained written permission from the copyright holder, obtained a valid license, or is making fair use of the copyrighted work, (2) submits the Checklist to the University Libraries and the Office of General Counsel, and (3) follows the advice provided.

*Instructions:* Please (1) fill out this form, checking all boxes that apply, (2) retain a copy for your records, and (3) provide a copy to the University Libraries and the Office of General Counsel at least three weeks prior to the time you intend to use the copyrighted work.

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Your Department: \_\_\_\_\_

Name, Author, Publisher and Publication Date (if known) of the Copyrighted Work:

\_\_\_\_\_

\_\_\_\_\_

Describe Anticipated Use of Copyrighted Work: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Do you have written permission or a license to use the copyrighted work for the purpose intended? Yes  No  If yes, please attach a copy of the permission or license.

Did you lawfully acquire your copy of the copyrighted work? Yes  No  How did you acquire it? \_\_\_\_\_

\_\_\_\_\_

**1. What is the purpose and character of your use of the copyrighted work?**

Favoring Fair Use

- nonprofit
- educational
- personal
- restricted access to students or other appropriate group
- news reporting
- commentary
- criticism
- teaching (including multiple copies for classroom use)
- research
- scholarship
- parody
- other transformative use (changes the work for a new utility)

Opposing Fair Use

- commercial activity
- for profit
- advertising
- profiting from the use
- bad-faith behavior
- denying credit to original owner or copyright holder
- making it accessible on the internet for wide, unrestricted distribution

**2. What is the nature of the copyrighted work itself?**

Favoring Fair Use

- the work is factual / non-fiction
- the work is published
- the work is important to favored educational objectives

Opposing Fair Use

- the work is highly creative (music, art, novels, films, plays, etc.)
- the work is not published
- the work is not fiction

**3. What is the amount and substantiality of the portion used in relation to the copyrighted work as a whole?**

Favoring Fair Use

- small amount of the entire work is used (state how much of the work is being used by percentage: \_\_\_%)
- not the heart of the work (it is not central or significant to the entire work)
- appropriate in light of purpose (favored educational purposes)

Opposing Fair Use

- more than a small amount or entire work is used (state how much of the work is being used by percentage: \_\_\_%)
- portion used is central to the work (the “heart of the work”)

**4. What is the effect, if any, of your use of the copyrighted work on the potential market for or value of the copyrighted work?**

Favoring Fair Use

- user owns lawfully acquired copy
- one or few copies made
- original is out-of-print
- original is not available for purchase
- permission (license) cannot be obtained
- copyright holder is unknown

Opposing Fair Use

- use results in marketplace competition against the original work
- many copies made
- original is in wide-distribution
- affordable permission could be easily obtained
- avoids payment for permission (royalties) in an established permissions market
- repeated or long-term use
- replaces potential sale of work

**5. Balancing the above factors: Based on the above factors, do you believe the use you intend to make of the copyrighted work is *fair use*? Explain why or why not.**

The use I intend to make of the copyrighted work is  fair use /  not fair use because:

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