

LISD Checklist for Fair Use for Visual Media

Please complete and submit for approval to demonstrate "fair use" of copyrighted works whose purpose is not either clearly instructional or directly related to your course content

Name:	Media Title:	Date to be shown:
Describe which, and how, educational objectives will be met through the use of this media:		

Using the four legal criteria for establishing Fair Use below, evaluate the planned use for the above item for approval by checking all that apply in both columns.

PURPOSE for use

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> Teaching (direct course/TEKS instruction) <input type="checkbox"/> Research <input type="checkbox"/> Educational setting (as related to activity taking place, not the facility itself) <input type="checkbox"/> Face to face instruction (educational objectives are addressed within 10 days of viewing)	<input type="checkbox"/> Entertainment* <input type="checkbox"/> Reward* <input type="checkbox"/> Commercial or non-curricular activity (e.g., fundraiser, after school care, field day, recess, end of semester/year parties)* <input type="checkbox"/> Instruction on educational objectives takes place later than 10 days from time of viewing*

NATURE of the work

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> Factual or nonfiction based <input type="checkbox"/> Relationship to educational objectives is readily apparent	<input type="checkbox"/> Highly creative work (films, plays, or other works created largely for entertainment rather than instruction) <input type="checkbox"/> Relationship to educational objectives is not readily apparent

AMOUNT of the work used

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> Small quantity of fiction/entertainment works or other works not clearly related to course content (less than 10% of whole work) to be shown <input type="checkbox"/> Amount is no more than what is necessary and appropriate for meeting educational purpose	<input type="checkbox"/> Large portion of fiction/entertainment works, or other works not clearly related to course content (greater than 10% of the whole work) to be shown <input type="checkbox"/> Amount used is beyond that necessary to meet the educational objective*

EFFECT of the use on copyright holder

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> Lawfully acquired copy of original work (not dubbed, or, if taped off air, rights have not expired) <input type="checkbox"/> No significant effect on the market or potential market for copyrighted work (use is in keeping with original purpose for the work, or amount used is less than 10% or not essence of the work) <input type="checkbox"/> Work is no longer available for purchase	<input type="checkbox"/> Illegally acquired copy (e.g., dubbed, expired rights of off-air taping)* <input type="checkbox"/> Could replace sale or rental of work <input type="checkbox"/> Significantly impairs market or potential market for the work (purchase or rental) <input type="checkbox"/> Repeated or long-term use <input type="checkbox"/> Distributing or otherwise making work widely available (dubbing copies, web access, etc.)

***These items cannot meet fair use standards; if you have checked any of these boxes, your use cannot be approved.**
 I have previewed the above media and have determined that it will be used in compliance with U.S. copyright law.

 Teacher's Signature

 Date

 Principal's (or designee's) Signature

 Date