Quick Reference
A cut-to-the-chase summary for use in your discussions, or to cut out and stick up on a bulletin board!

Four factors
- **Purpose** (of the use in question)
  - Commercial  \(\xleftarrow{\text{LESS FAIR}}\) MORE FAIR \(\rightarrow\)
  - Critical  \(\rightarrow\)
  - Educational  \(\rightarrow\)
  - Non-profit  \(\rightarrow\)

- **Nature** (of the source work)
  - Unpublished  \(\xleftarrow{\text{LESS FAIR}}\) MORE FAIR \(\rightarrow\)
  - Published  \(\rightarrow\)
  - More “creative”  \(\xleftarrow{\text{LESS FAIR}}\) MORE FAIR \(\rightarrow\)
  - More “factual”  \(\rightarrow\)

- **Amount & Substantiality** (of the source work)
  - Larger amount (proportionately)  \(\xleftarrow{\text{LESS FAIR}}\) MORE FAIR \(\rightarrow\)
  - Smaller amount (proportionately)  \(\rightarrow\)
  - Borrowing from the “heart of the work”  \(\xleftarrow{\text{LESS FAIR}}\) MORE FAIR \(\rightarrow\)
  - Borrowing from more peripheral elements  \(\rightarrow\)

- **Effect on the potential market** (for the source work)
  - Harm to the market for the work  \(\xleftarrow{\text{LESS FAIR}}\) MORE FAIR \(\rightarrow\)
  - No market harm  \(\rightarrow\)

Transformativeness
- Are you doing something really new with the original work?
- Does it involve criticism or commentary, such as a parody?
- Does it provide significant value to the public?