

- 1 Inquiry One: Material in Question
 - 1.1 Nature of material
 - 1.1.1 Type of work: text, image, sound, audio-visual, sculptural, § 106A visual art
 - 1.2 Form of presentation
 - 1.2.1 unpublished?
 - 1.2.2 published?
 - 1.3 Is the work a derivative work
 - 1.3.1 If a derivative work, what is relationship of secondary work to original work?
- 2 Inquiry Two: Date of Creation, issuance.
 - 2.1 When was the work fixed into a tangible medium of expression?
 - 2.2 If published, when was it published?
 - 2.3 Was it published with notice?
- 3 Inquiry Three: Authorship
 - 3.1 Is it a work of individual authorship, joint authorship, or a work-for-hire?
 - 3.2 Is the work anonymous, or by an unknown author?
 - 3.3 If the work is anonymous, was it fixed into a tangible medium of expression more than 120 years ago?
 - 3.4 If the work is not anonymous, is the author deceased more than 70 years?
 - 3.5 Is the current identity of the author or of any successor rightsholders known or reasonably discoverable?
 - 3.6 If the work was created by your institution or a person associated with your institution, is there an institutional office for rights and permissions?
- 4 Inquiry Four: Use Sought
 - 4.1 On which of the § 106 exclusive rights might the use infringe?
 - 4.2 Is formal permission needed?
 - 4.3 If the use otherwise would be an infringement, which of the exemptions might apply:
 - 4.3.1 § 107 Fair Use?
 - 4.3.2 § 108 b, c, h Library or Archival Preservation?
 - 4.3.3 § 108 d & e Library or Archival copying on behalf of a user, except for non-exempt materials (§ 108 i), music, pictorial, and audiovisual works)?
 - 4.3.4 § 109 First Sale use of a particular copy, including loan and exhibition?
 - 4.3.5 § 110 Use in face-to-face instruction?
- 5 Inquiry Five: Liabilities and Penalties
 - 5.1 Might use be seen as willful infringement?
 - 5.2 Might the Archives be seen as involved in contributory infringement? (cf. §412)
 - 5.3 Does Archives have a reasonable basis to think that the use is a fair use? (cf., § 504 c 2)

Caveats: Definitions: Always review all relevant definitions stated in § 101 as well as those contained within other special sections, (e.g., §104A, h 1-8, §106A, §115 d). ***Note: This outline is not presented as legal advice but as brief index to key elements of copyright. You should familiarize yourself with copyright law and recognize when it is necessary to consult with legal counsel in specific cases.***