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(Questions? Comments? Contact Gail McMillan, Director of the Digital Library and Archives, at [gailmac@vt.edu](mailto:gailmac@vt.edu))

## **Virginia Tech ETD Fair Use Analysis Details**

*Below are the questions you answered and the responses that favor fair use. More than two factors must weigh against the copyright holder for you to receive a fair use determination. If more than half of your answers to each factor matched the ones given below, your use of a copyrighted work favored fair use.*

### **Factor 1. Consider the purpose and character of the use you made of someone else's copyrighted materials in your ETD.**

1. Was the purpose of your use of the copyrighted work for a business purpose or commercial activity?  
*No*
2. Was the reason for using the copyrighted work to entertain? *No*
3. Was criticism, commentary, news reporting, or parody a reason for using the copyrighted work in your ETD? *Yes*
4. Have you given credit to the author or creator of the copyrighted work in your ETD? *Yes*
5. Did you redo or alter the copyrighted work to serve a new purpose when you used it in your ETD? *Yes*

### **Factor 2. Consider the nature of the copyrighted work you used in your ETD.**

1. Is it a creative work, such as a painting, poem, or work of fiction? *No*
2. Did it come from a published work? *Yes*
3. Is it a factual work, such as a quote from a scientific journal, graph or table derived from statistical data?  
*Yes*

### **Factor 3. Consider the extent and significance of the copyrighted work you used.**

1. Did you use a substantial portion of the copyrighted work? *No*

2. Was the part of the copyrighted work you included in your ETD a negligible part of the copyrighted work? *Yes*

3. Was the portion of the work you included in your ETD central to or the heart of the copyrighted work? *No*

**Factor 4. Consider the effect your use of the copyrighted material will have on the sale of the copyrighted work.**

1. Did you lawfully acquire a copy of copyrighted material you used in your ETD? *Yes*

2. Will access to the copyrighted work in your ETD have a notable effect on the market or potential market for the original work?: *No*

3. Is there a licensing mechanism in place for using the copyrighted work? *No*

4. Could access to the copyrighted material in your ETD replace the sale or use of the original copyrighted work? *No*

5. Would it be affordable (i.e., cost-effective) for you to get permission for using the copyrighted work?: *No*

