### Fair Use Evaluation Documentation

**Name:** Dr. R's Student  
**Job Title:** Student  
**Institution:** Awesome University  
**Title of Work Used:** Hit Me with Your Best Shot  
**Copyright Holder:** Pat Benatar / Chrysalis Records (part of Warner Music Group)  
**Publication Status:** Published  
**Publisher:** ATV Music Corp  
**Place of Publication:** U.S.  
**Publication Year:** 1980  
**Description of Work:** Pop song  
**Date of Evaluation:** March 20, 2015  
**Date of Intended Use:** April 20, 2015

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**Describe the Purpose and Character of Your Intended Use:**

To use this in a short film for my film class that I'm going to post on YouTube too, because I'd like to share it with my friends, family, and the world.  
[+] Use is not-for-profit  
[-] Use is NOT for "criticism, comment, news reporting, teaching, scholarship or research"  
[-] Scope of the use is not well defined or is systematic, iterative, or ongoing

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Describe the **Nature** of Your Intended Use of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED  
[-] Work contains a significant amount of new knowledge, information, or creative expression  
[-] Work is of a category of works considered highly creative (fine art, musical works, drama, artistic photography or film, etc.)  
[+] Original work was not created and/or has not been marketed for the stated purpose of the proposed use

Fair  |  |  |  |  |  |  |  |  | Unfair

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

[-] The entire work, or the “heart” of the work, is used (the “heart” is the portion considered most central to the work as a whole)  
[-] portion of the work greater than what is needed to achieve the stated purpose or objective is used

Fair  |  |  |  |  |  |  |  |  | Unfair

Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[-] The work is currently under commercial exploitation (in-print, clear licensing available, etc.) and the use substitutes for purchasing or licensing a copy  
[-] The work already has an established market, or the clear potential for a future market as it is being used  
[+] Use of the work has the potential to create or improve the market for the work  
[+] The copy of the work to be used is a legal copy  
[+] Proper attribution will be given with the intended use

Fair  |  |  |  |  |  |  |  |  | Unfair
The Average "Fairness Level," Based on Your Rating of Each of the 4 Factors, Is:

[see tool disclaimer for important clarifying information]:

Fair | | | | | Unfair

Other Important Criteria:

Given the notes about this being a highly creative work, and the fact that I was planning to use the whole song, I think my intended use was Unfair.

*I will reconsider my background music - perhaps I will find some other music, or use a smaller amount.

*Or, I will find a way to pay for a license to use the music in my film.

Based on the information and justification I have provided above, I, Dr. R's Student, am asserting this use is UNFAIR under Section 107 of the U.S. Copyright Code.

Signature: __________________________________________

Date of Signature: __________________________________

*Disclaimer: This document is intended to help you collect, organize & archive the information you might need to support your fair use evaluation. It is not a source of legal advice or assistance. The results are only as good as the input you have provided by are intended to suggest next steps, and not to provide a final judgment. It is recommended that you share this evaluation with a copyright specialist before proceeding with your intended use.