

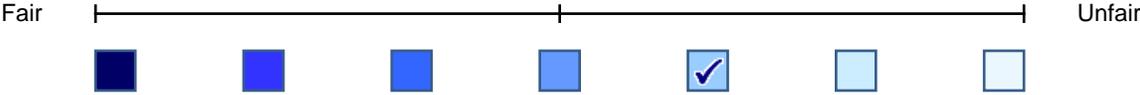
Fair Use Evaluation Documentation

Compiled using the **Fair Use Evaluator** [cc] 2008 Michael Brewer & the Office for Information Technology Policy, <http://librarycopyright.net/fairuse/>

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

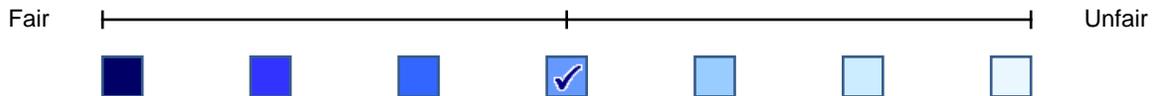
Describe the **Purpose** and Character of Your Intended Use:

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



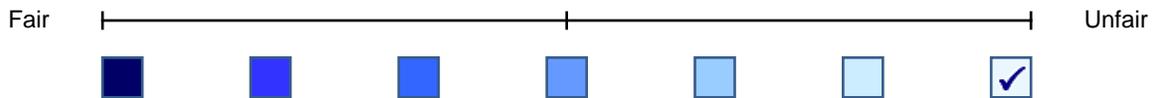
Describe the **Nature** of Your Intended Use of the Copyrighted Work:

[+] 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



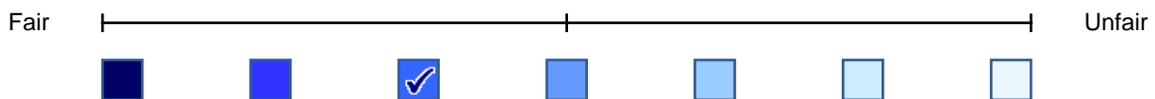
Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

[-] 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



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

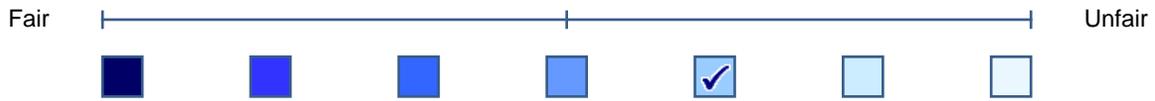
[-] The work is currently under commercial exploitation (in-print, clear licensing available, etc.) and the use substitutes for purchasing or licensing a copy
[-] The work already has an established market, or the clear potential for a future market as it is being used
[+] Use of the work has the potential 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



The Average **"Fairness Level,"** Based on Your Rating of Each of the 4

Factors, Is:

[see tool disclaimer for important clarifying information]:



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.