

Statement of Fair Use

All of the images included in the dissertation titled *Making Mongols: Representations of Culture, Identity, and Resistance*, are covered by the Copyright Law of the United States of America.¹ The section that specifically addresses the use of images is “§ 107. Limitations on exclusive rights: Fair Use.” This section states:

“Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.”²

Additionally, I corresponded with the Department of Student Legal Services at Virginia Polytechnic Institute and State University. I specifically inquired about “Figure 2,” which is a photo of a Mongolian Leather Painting I purchased when I lived in Hohhot. Diana Miller, attorney for Student Legal Services, replied that, in sum, “I think you are

¹ Staff, “Chapter 1: Subject Matter and Scope of Copyright,” *Copyright Law of the United States of America and Related Laws Contained in Title 17 of United States Code*, Accessed April 27, 2016, <http://www.copyright.gov/title17/92chap1.html#101>.

² Staff, “Section 107: Limitation on exclusive rights: Fair use,” *Copyright Law of the United States of America and Related Laws Contained in Title 17 of United States Code*, Accessed April 27, 2016, <http://www.copyright.gov/title17/92chap1.html#107>.

safe to place the photograph of the item in your dissertation.”³ The longer portion of the email that addresses this issue states:

“However, displaying a photograph of the item in a dissertation (required to obtain your degree at VT) is done purely for educational purposes, is not reproducing the actual item (you are not making the actual leather painting), and thus will not constitute a violation of copyrights (and as stated earlier, it does not appear to be copyright protected work, and has no identifiable author). I think you are safe to place to photograph of the item in your dissertation.”⁴

All of the images in the dissertation, except for Figure 7, were accessed through on-line sources. Figure 7 is photograph that I took. As indicated above, all are covered under the statement of “Fair Use.”

³ Diana Miller, e-mail message to author, April 27, 2016.

⁴ Diana Miller, e-mail message to author, April 27, 2016.