

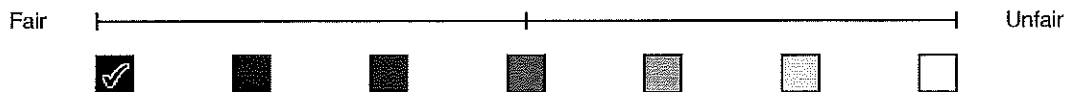
Fair Use Evaluation Documentation

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

Name:	James Carroll Hill
Job Title:	Graduate Student
Institution:	Virginia Tech
Title of Work Used:	Is Working Memory Working?
Copyright Holder:	American Psychological Association
Publication Status:	Published
Publisher:	Hogrefe Publishing Corp.
Place of Publication:	Boston, MA
Publication Year:	2002
Description of Work:	Figure illustrating Alan Baddeley's model of working memory. The figure as shown is from Baddeley's article in <i>European Psychologist</i> , volume 7 (2) on page 93.
Date of Evaluation:	April 10, 2020
Date of Intended Use:	April 16, 2020

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

My use of Baddeley's figure is for my scholarship and research on my doctoral dissertation on adolescent reading comprehension. I have framed my conception of working memory and its effect on comprehension around Baddeley's model and included the figure to assist in communicating Baddeley's model clearly to the reader. As is the figure is found within my dissertation, my use of the figure is not-for-profit and limited to this one-time use.



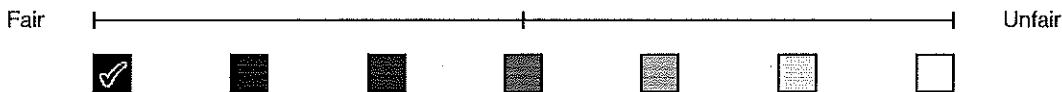
Describe the **Nature** of Your Intended Use of the Copyrighted Work:

The model has been previously published in European Psychologist (2002), volume 7 issue 2 on page 93. The figure is Baddeley's visual representation of his model of working memory which, while it does not describe the actual different facets of working memory he articulates in the article, provides a clear illustration of how he sees the flow of working memory functioning between executive control and long term memory.



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

Of the original article, I am only using a limited and reasonable portion, specifically the lone figure. The figure used is not the "heart" of the work, but is included for the same rationale that I include it in my dissertation - to more clearly communicate the model of working memory that I used in my research. The amount used falls within widely recognized fair use guidelines. The copyright is held by the American Psychological Association and section 3 of the APA Copyright and Permissions Information (<https://www.apa.org/about/contact/copyright/#not-required>) states that "Permission is Not Required for the Following: A maximum of three figures or tables from a journal article or book chapter" and that "No formal requests to APA or the author are required for the items in this clause."



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

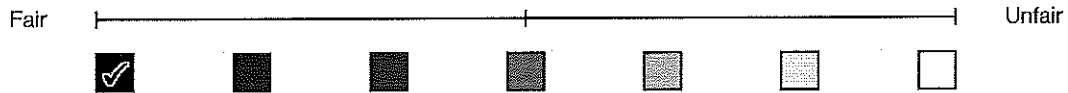
The use of the figure in my dissertation does not affect the import or value of the original work performed by Dr. Alan Baddeley, and will have little impact on the use or citation of his original work. In my dissertation, I follow APA guidelines and credit the source and copyright holder of the figure in the figure itself, giving proper attribution to its author and minimizing the potential for unauthorized use. As my own work only affirms the utility of Baddeley's model, I can only project that it would increase the market for Baddeley's work. Further, my use of the figure follows APA's (who hold the copyright) guidelines for permissions to reprint work under their copyright.



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:

While I have articulated this point under the "Amount" field of the Fair Use Evaluator, I feel it may be helpful here, as well. The American Psychological Association holds the copyright to the figure I included in my dissertation. Section 3 of the APA Copyright and Permissions Information (<https://www.apa.org/about/contact/copyright/#not-required>) states, "Permission is Not Required for the Following: A maximum of three figures or tables from a journal article or book chapter; Single text extracts of less than 400 words; Series of text extracts that total less than 800 words. No formal requests to APA or the author are required for the items in this clause."

Based on the information and justification I have provided above, I, James Carroll Hill, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature: James C. Hill

Date of Signature: 4/10/2020

***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.