As a test of fair use in ETDs at Virginia Tech: Melissa Utt, M.Arch 3 thesis "Building the Tango"

As a test of fair use in ETDs at	Virgin	ia Tech: Melissa Utt, M.Arch	n 3 th	esis "Building the Tango"
	-	test of ETD Image 1		
Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
<u> </u>				
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
for profit or not	Х	Scholarship		Profit (monetarily) from use
degree of transformation; value added	х	Nonprofit university		Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior
		Comment		Denying credit to original author
	X	Transformative: changes the original work for new purpose		
		Parody		
Nature of the Copyrighted Work				
character of the work	Х	Published work		Unpublished work
for example, fact or fiction	х	Factual or non-fiction based		Highly creative work (art, music, novels, films, plays)
worthy of (extensive) protection?	x	Important to favored educational objectives		Fiction
wermy or (externel to) proceeding.				1 10.1011
Amount and Substantiality				
use only what's necessary	х	Small quantity of the work		Large poprtion or whole work used
quantity and quality in relation to		Portion used is not central or		Portion used is central to
the whole work		significant to entire work		work or "heart of the work"
	х	Amount is appropriate for favored educational purpose		
Effect				
harm to potential market or value of a work after a portion has been used separately from the whole		User has lawfully acquired copy of the original work		Could replace sale of copyrighted work
		One or fewer copies made		Significantly impairs market or potential market for copyright work or derivative
	х	No significant effect o the market or potential market of copyrighted work		Reasonably available licensing mechanism for use of the copyrighted work
		No similar product marketed by the copyright holder		Affordable permission available for using work
		Lack of licensing mechanism		Numerous copies made
			Х	You made it accessible on

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	ites	test of ETD Image 2		
Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
for profit or not	Х	Scholarship		Profit (monetarily) from use
degree of transformation; value added	х	Nonprofit university		Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior
		Comment		Denying credit to original author
	х	Transformative: changes the original work for new purpose		
		Parody		
Nature of the Copyrighted Work				
character of the work	х	Published work		Unpublished work
STATESTOT OF THE WORK		T donoriod svori		Highly creative work (art,
for example, fact or fiction	Х	Factual or non-fiction based		music, novels, films, plays)
worthy of (extensive) protection?	x	Important to favored educational objectives		Fiction
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Amount and Substantiality				
use only what's necessary	х	Small quantity of the work		Large poprtion or whole work used
quantity and quality in relation to		Portion used is not central or		Portion used is central to
the whole work		significant to entire work		work or "heart of the work"
	x	Amount is appropriate for		
		favored educational purpose		
Effect				
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of a work after a portion has been used separately from the whole		User has lawfully acquired copy of the original work		Could replace sale of copyrighted work
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		One or fewer copies made		potential market for copyright work or derivative
		No significant effect o the		Reasonably available
	l x	market or potential market of		licensing mechanism for use
		copyrighted work		of the copyrighted work
		No similar product marketed by the copyright holder		Affordable permission available for using work
		Lack of licensing mechanism		Numerous copies made
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		test of ETD Image 3		
Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
for profit or not	X	Scholarship		Profit (monetarily) from use
degree of transformation; value added	x	Nonprofit university		Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior
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		Comment		author
	x	Transformative: changes the original work for new purpose		
		Parody		
National af the Commission of the				
Nature of the Copyrighted Work				
character of the work	Х	Published work		Unpublished work
for example, fact or fiction	х	Factual or non-fiction based		Highly creative work (art, music, novels, films, plays)
worthy of (extensive) protection?	×	Important to favored educational objectives		Fiction
worthy of (extensive) protection:		educational objectives		ricuon
Amount and Substantiality				Il avec manution avvolate work
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quantity and quality in relation to		Portion used is not central or		Portion used is central to
the whole work		significant to entire work		work or "heart of the work"
	х	Amount is appropriate for favored educational purpose		
Effect				
harm to potential market or value of a work after a portion has been used separately from the whole		User has lawfully acquired copy of the original work		Could replace sale of copyrighted work
		One or fewer copies made		Significantly impairs market or potential market for copyright work or derivative
	х	No significant effect o the market or potential market of copyrighted work		Reasonably available licensing mechanism for use of the copyrighted work
		No similar product marketed by the copyright holder		Affordable permission available for using work
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		test of ETD Image 4	•	
Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
for profit or not	Х	Scholarship		Profit (monetarily) from use
degree of transformation; value added	Х	Nonprofit university		Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior
		Comment		Denying credit to original author
	х	Transformative: changes the original work for new purpose		
		Parody		
Nature of the Copyrighted Work	5			
character of the work	Х	Published work		Unpublished work
for example, fact or fiction	х	Factual or non-fiction based		Highly creative work (art, music, novels, films, plays)
worthy of (extensive) protection?	х	Important to favored educational objectives		Fiction
Amount and Substantiality				T
use only what's necessary	х	Small quantity of the work		Large poprtion or whole work used
quantity and quality in relation to the whole work		Portion used is not central or significant to entire work		Portion used is central to work or "heart of the work"
	х	Amount is appropriate for favored educational purpose		
Effect				_
harm to potential market or value of a work after a portion has been used separately from the whole		User has lawfully acquired copy of the original work		Could replace sale of copyrighted work
		One or fewer copies made		Significantly impairs market or potential market for copyright work or derivative
	х	No significant effect o the market or potential market of copyrighted work		Reasonably available licensing mechanism for use of the copyrighted work
		No similar product marketed by the copyright holder		Affordable permission available for using work
		Lack of licensing mechanism		Numerous copies made You made it accessible on
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		test of ETD Image 5		
Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
for profit or not	Х	Scholarship		Profit (monetarily) from use
degree of transformation; value added	х	Nonprofit university		Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior
		Comment		Denying credit to original author
	х	Transformative: changes the original work for new purpose		
		Parody		
Nature of the Copyrighted Work				
character of the work	Х	Published work		Unpublished work
				Highly creative work (art,
for example, fact or fiction	Х	Factual or non-fiction based		music, novels, films, plays)
worthy of (extensive) protection?	х	Important to favored educational objectives		Fiction
r				
Amount and Substantiality				
use only what's necessary	х	Small quantity of the work		Large poprtion or whole work used
quantity and quality in relation to the whole work		Portion used is not central or significant to entire work		Portion used is central to work or "heart of the work"
000000000000000000000000000000000000000	х	Amount is appropriate for favored educational purpose		
Effect				
harm to potential market or value of a work after a portion has been used separately from the whole		User has lawfully acquired copy of the original work		Could replace sale of copyrighted work
		One or fewer copies made		potential market for copyright work or derivative
	х	No significant effect o the market or potential market of copyrighted work		Reasonably available licensing mechanism for use of the copyrighted work
		No similar product marketed by the copyright holder		Affordable permission available for using work
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Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
for profit or not	Х	Scholarship		Profit (monetarily) from use
degree of transformation; value		NUMBER OF THE THE PARTY OF THE		Print, 24 (20 20
added	X	Nonprofit university		Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior
				Denying credit to original
		Comment		author
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	Х	original work for new purpose		
		Parody		
Nature of the Copyrighted Work				
character of the work	х	Published work	Х	Unpublished work
Character of the work		T UDIISTICA WOTK		Highly creative work (art,
for example, fact or fiction	Х	Factual or non-fiction based	Х	music, novels, films, plays)
worthy of (extensive) protection?	х	Important to favored educational objectives		Fiction
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A				
Amount and Substantiality				Large poprtion or whole work
use only what's necessary		Small quantity of the work	Х	used
quantity and quality in relation to		Portion used is not central or		Portion used is central to
the whole work		significant to entire work		work or "heart of the work"
	х	Amount is appropriate for		
Sir		favored educational purpose		
Effect				
harm to potential market or value of a work after a portion has been		User has lawfully acquired		Could replace sale of
used separately from the whole		copy of the original work		copyrighted work
				Significantly impairs market or
				potential market for copyright
		One or fewer copies made No significant effect o the		work or derivative Reasonably available
		market or potential market of		licensing mechanism for use
	Х	copyrighted work		of the copyrighted work
		No similar product marketed		Affordable permission
		by the copyright holder		available for using work
		Lack of licensing mechanism		Numerous copies made You made it accessible on
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Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
for profit or not	Х	Scholarship		Profit (monetarily) from use
degree of transformation; value added	х	Nonprofit university		Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior
		Comment		Denying credit to original author
	х	Transformative: changes the original work for new purpose		
		Parody		
Nature of the Copyrighted				
Work character of the work	Х	Published work		Unpublished work
for example, fact or fiction	X	Factual or non-fiction based		Highly creative work (art, music, novels, films, plays)
for example, fact of fiction		Important to favored		music, noveis, mins, plays)
worthy of (extensive) protection?	Х	educational objectives		Fiction
Amount and Substantiality				Il avera manufian avvolpala visule
use only what's necessary	Х	Small quantity of the work		Large poprtion or whole work used
quantity and quality in relation to the whole work		Portion used is not central or significant to entire work		Portion used is central to work or "heart of the work"
the whole work		Amount is appropriate for		Work or heart of the work
	Х	favored educational purpose		
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Effect				
harm to potential market or value of a work after a portion has been		User has lawfully acquired		Could replace sale of
used separately from the whole		copy of the original work		copyrighted work
				Significantly impairs market or
		One or fewer copies made		potential market for copyright work or derivative
		No significant effect o the		Reasonably available
	l x	market or potential market of		licensing mechanism for use
		copyrighted work No similar product marketed		of the copyrighted work Affordable permission
		by the copyright holder		available for using work
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		test of ETD Image 8	•	
Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use	-	·		
commercial or educational use	Х	Research		Commercial activity
for profit or not	X	Scholarship		Profit (monetarily) from use
degree of transformation; value added	х	Nonprofit university		Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior
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Nature of the Copyrighted				
Work				T
character of the work	X	Published work		Unpublished work
for example, fact or fiction	х	Factual or non-fiction based Important to favored		Highly creative work (art, music, novels, films, plays)
worthy of (extensive) protection?	х	educational objectives		Fiction
Amount and Substantiality				
Amount and Substantiality	T.,			Large poprtion or whole work
use only what's necessary	X	Small quantity of the work		used
quantity and quality in relation to		Portion used is not central or		Portion used is central to
the whole work		significant to entire work Amount is appropriate for		work or "heart of the work"
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Effect				-
harm to potential market or value				
of a work after a portion has been		User has lawfully acquired		Could replace sale of
used separately from the whole		copy of the original work		copyrighted work
				Significantly impairs market or potential market for copyright
		One or fewer copies made		work or derivative
		No significant effect o the market or potential market of		Reasonably available licensing mechanism for use
	Х	copyrighted work		of the copyrighted work
		No similar product marketed		Affordable permission
		by the copyright holder		available for using work
		Lack of licensing mechanism		Numerous copies made You made it accessible on
			Х	Web or in other public forum
				Peneated or long term use

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		test of ETD Image 9		
Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
for profit or not	Х	Scholarship		Profit (monetarily) from use
degree of transformation; value added	х	Nonprofit university		Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior
		Comment		Denying credit to original author
	х	Transformative: changes the original work for new purpose		
		Parody		
Notice of the Commission of				
Nature of the Copyrighted Work				
character of the work	Х	Published work		Unpublished work
				Highly creative work (art,
for example, fact or fiction	Х	Factual or non-fiction based		music, novels, films, plays)
worthy of (extensive) protection?	х	Important to favored educational objectives		Fiction
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Amount and Substantiality		-		
use only what's necessary	х	Small quantity of the work		Large poprtion or whole work used
quantity and quality in relation to		Portion used is not central or		Portion used is central to
the whole work		significant to entire work		work or "heart of the work"
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Effect				
harm to potential market or value of a work after a portion has been used separately from the whole		User has lawfully acquired copy of the original work		Could replace sale of copyrighted work
		One or fewer copies made		Significantly impairs market or potential market for copyright work or derivative
	х	No significant effect o the market or potential market of copyrighted work		Reasonably available licensing mechanism for use of the copyrighted work
		No similar product marketed by the copyright holder		Affordable permission available for using work
		Lack of licensing mechanism		Numerous copies made
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		ETD Image 10	
Fair Use Factor		In Favor of Fair Use	In Favor of Copyright Holder (not fair use)
Purpose and Character of Use			
commercial or educational use	Х	Research	Commercial activity
for profit or not	Х	Scholarship	Profit (monetarily) from use
degree of transformation; value added	х	Nonprofit university	Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism	Bad-faith behavior
		Comment	Denying credit to original author
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Nature of the Copyrighted Work			
character of the work	Х	Published work	Unpublished work
			Highly creative work (art,
for example, fact or fiction	X	Factual or non-fiction based	music, novels, films, plays)
worthy of (extensive) protection?	x	Important to favored educational objectives	Fiction
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Amount and outstantianty	V		Large poprtion or whole work
use only what's necessary	X	Small quantity of the work	used
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the whole work		significant to entire work Amount is appropriate for	work or "heart of the work"
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harm to potential market or value of a work after a portion has been used separately from the whole		User has lawfully acquired copy of the original work	Could replace sale of copyrighted work
		One or fewer copies made	Significantly impairs market o potential market for copyright work or derivative
	х	No significant effect o the market or potential market of copyrighted work	Reasonably available licensing mechanism for use of the copyrighted work
		No similar product marketed by the copyright holder	Affordable permission available for using work
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		test of	
<u>.</u>		ETD Image 11	In Four of Conveight
Fair Use Factor		In Favor of Fair Use	In Favor of Copyright Holder (not fair use)
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Purpose and Character of Use			**
commercial or educational use	Х	Research	Commercial activity
for profit or not	X	Scholarship	Profit (monetarily) from use
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research		Criticism	Bad-faith behavior
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Nature of the Copyrighted Work			
character of the work	Х	Published work	Unpublished work
			Highly creative work (art,
for example, fact or fiction	X	Factual or non-fiction based	music, novels, films, plays)
worthy of (extensive) protection?	х	Important to favored educational objectives	Fiction
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Amount and Substantiality			I area parties or whole work
use only what's necessary	X	Small quantity of the work	Large poprtion or whole work used
quantity and quality in relation to		Portion used is not central or	Portion used is central to
the whole work		significant to entire work	work or "heart of the work"
	х	Amount is appropriate for	
		favored educational purpose	
Effect			

harm to potential market or value		77. 100	2000 A-400 - 10 A4 A4
of a work after a portion has been		User has lawfully acquired	Could replace sale of
used separately from the whole		copy of the original work	copyrighted work
			Significantly impairs market or potential market for copyright
		One or fewer copies made	work or derivative
		No significant effect o the	Reasonably available
	×	market or potential market of	licensing mechanism for use
	<u> </u>	copyrighted work	of the copyrighted work
		No similar product marketed	Affordable permission
	_	by the copyright holder	available for using work

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		test of ETD Image 12	
Fair Use Factor		In Favor of Fair Use	In Favor of Copyright Holder (not fair use)
Purpose and Character of Use			
commercial or educational use	Х	Research	Commercial activity
for profit or not	X	Scholarship	Profit (monetarily) from use
degree of transformation; value added	х	Nonprofit university	Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism	Bad-faith behavior
		Comment	Denying credit to original author
	х	Transformative: changes the original work for new purpose	
		Parody	
Nature of the Copyrighted Work			
character of the work	Х	Published work	Unpublished work
		E-A COMMISSIONES OF STREET AND	Highly creative work (art,
for example, fact or fiction	X	Factual or non-fiction based	music, novels, films, plays)
worthy of (extensive) protection?	x	Important to favored educational objectives	Fiction
(extensive) procession:			
Amount and Substantiality	20		
use only what's necessary	х	Small quantity of the work	Large poprtion or whole work used
quantity and quality in relation to the whole work		Portion used is not central or significant to entire work	Portion used is central to work or "heart of the work"
	х	Amount is appropriate for favored educational purpose	
Process.			
Effect			
harm to potential market or value of a work after a portion has been used separately from the whole		User has lawfully acquired copy of the original work	Could replace sale of copyrighted work
		One or fewer copies made	Significantly impairs market or potential market for copyright work or derivative
	х	No significant effect o the market or potential market of copyrighted work	Reasonably available licensing mechanism for use of the copyrighted work
		No similar product marketed	Affordable permission

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		test of ETD Image 13	
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Fair Use Factor		In Favor of Fair Use	Holder (not fair use)
Purpose and Character of Use			
commercial or educational use	Х	Research	Commercial activity
for profit or not	Х	Scholarship	Profit (monetarily) from use
degree of transformation; value added	х	Nonprofit university	Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism	Bad-faith behavior
research		Criticism	Denying credit to original
		Comment	author
	х	Transformative: changes the original work for new purpose	
		Parody	
Nature of the Copyrighted Work			
character of the work	Х	Published work	Unpublished work
for example, fact or fiction	х	Factual or non-fiction based	Highly creative work (art, music, novels, films, plays)
worthy of (extensive) protection?	х	Important to favored educational objectives	Fiction
<u> </u>			
Amount and Substantiality			
, and and Substantianty	х		Large poprtion or whole work
use only what's necessary		Small quantity of the work	used
quantity and quality in relation to		Portion used is not central or	Portion used is central to
the whole work		significant to entire work	work or "heart of the work"
	x	Amount is appropriate for favored educational purpose	
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Effect			
harm to potential market or value of a work after a portion has been used separately from the whole		User has lawfully acquired copy of the original work	Could replace sale of copyrighted work
		One or fewer copies made	Significantly impairs market or potential market for copyright work or derivative
		No significant effect o the	Reasonably available

market or potential market of

No similar product marketed by the copyright holder

Lack of licensing mechanism

copyrighted work

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		test of ETD Image 14	
Fair Use Factor		In Favor of Fair Use	In Favor of Copyright Holder (not fair use)
Purpose and Character of Use			
commercial or educational use	Х	Research	Commercial activity
for profit or not	Х	Scholarship	Profit (monetarily) from use
degree of transformation; value added	x	Nonprofit university	Entertainment
for criticism, commentary, news reporting, teaching, scholarship,		0.00	0.45 % 1.5
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	<u> </u>	original work for new purpose	
		Parody	
Nature of the Copyrighted			
Work			
character of the work	Х	Published work	Unpublished work
			Highly creative work (art,
for example, fact or fiction	X	Factual or non-fiction based	music, novels, films, plays)
worthy of (extensive) protection?	×	Important to favored educational objectives	Fiction
worthy of (exterisive) protection:		caacanonar objectives	ricuori
Amount and Substantiality			To
use only what's necessary	х	Small quantity of the work	Large poprtion or whole work used
quantity and quality in relation to		Portion used is not central or	Portion used is central to
the whole work		significant to entire work	work or "heart of the work"
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used separately from the whole		copy of the original work	copyrighted work
			Significantly impairs market or
			potential market for copyright
		One or fewer copies made	work or derivative
		No significant effect o the market or potential market of	Reasonably available licensing mechanism for use
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		No similar product marketed	Affordable permission
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by the copyright holder Lack of licensing mechanism available for using work

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		test of ETD Image 15	
Fair Use Factor		In Favor of Fair Use	In Favor of Copyright Holder (not fair use)
Purpose and Character of Use			**
commercial or educational use	Х	Research	Commercial activity
for profit or not degree of transformation; value	Х	Scholarship	Profit (monetarily) from use
added	х	Nonprofit university	Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism	Bad-faith behavior
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Nature of the Copyrighted Work			
character of the work	Х	Published work	Unpublished work
for example, fact or fiction	х	Factual or non-fiction based	Highly creative work (art, music, novels, films, plays)
worthy of (extensive) protection?	х	Important to favored educational objectives	Fiction
Amount and Substantiality			
use only what's necessary	х	Small quantity of the work	Large poprtion or whole work used
quantity and quality in relation to the whole work		Portion used is not central or significant to entire work	Portion used is central to work or "heart of the work"
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	х	No significant effect o the market or potential market of copyrighted work	Reasonably available licensing mechanism for use of the copyrighted work
	_	No similar product marketed	Affordable permission

No similar product marketed by the copyright holder

Lack of licensing mechanism

Affordable permission

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As a test of fair use in ETDs at	Virgin	ia Tech: Melissa Utt, M.Arch	1 3 th	esis "Building the Tango"
		test of ETD Image 16		
Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
for profit or not	Х	Scholarship		Profit (monetarily) from use
degree of transformation; value added	х	Nonprofit university		Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior
		Comment		Denying credit to original author
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		Parody		
r				
Nature of the Copyrighted Work				
character of the work	Х	Published work		Unpublished work
for example, fact or fiction	х	Factual or non-fiction based		Highly creative work (art, music, novels, films, plays)
worthy of (extensive) protection?	х	Important to favored educational objectives		Fiction
Amount and Substantiality				
use only what's necessary	х	Small quantity of the work		Large poprtion or whole work used
quantity and quality in relation to the whole work		Portion used is not central or significant to entire work		Portion used is central to work or "heart of the work"
	х	Amount is appropriate for favored educational purpose		
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		No similar product marketed		Affordable permission
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As a test of fair use in ETDs at '	Virgin	ia Tech: Melissa Utt, M.Arch	n 3 th	esis "Building the Tango"
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Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
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Nature of the Copyrighted Work	20			
character of the work	Х	Published work		Unpublished work
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quantity and quality in relation to the whole work		Portion used is not central or significant to entire work		Portion used is central to work or "heart of the work"
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As a test of fair use in ETDs at '	Virgin			iesis "Building the Tango"
		test of ETD Image 18	0	
Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
for profit or not	Х	Scholarship		Profit (monetarily) from use
degree of transformation; value added	х	Nonprofit university		Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior
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Lack of licensing mechanism

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As a test of fair use in ETDs at	Vırgır	test of	10
9		ETD Image 19	
Fair Use Factor		In Favor of Fair Use	In Favor of Copyright Holder (not fair use)
Purpose and Character of Use			
commercial or educational use	Х	Research	Commercial activity
for profit or not	Х	Scholarship	Profit (monetarily) from use
degree of transformation; value added	х	Nonprofit university	Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticiana	Bad-faith behavior
research		Criticism	Denying credit to original
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Nature of the Copyrighted Work			
character of the work	X	Published work	Unpublished work
for example, fact or fiction	х	Factual or non-fiction based	Highly creative work (art, music, novels, films, plays)
worthy of (extensive) protection?	х	Important to favored educational objectives	Fiction
Amount and Substantiality	2		
use only what's necessary	х	Small quantity of the work	Large poprtion or whole work used
quantity and quality in relation to the whole work		Portion used is not central or significant to entire work	Portion used is central to work or "heart of the work"
	х	Amount is appropriate for favored educational purpose	
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		No similar product marketed	Affordable permission

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test of ETD Image 20					
Fair Use Factor		In Forcer of Foir Use		In Favor of Copyright	
Fair Use Factor		In Favor of Fair Use		Holder (not fair use)	
Purpose and Character of Use					
commercial or educational use	Х	Research		Commercial activity	
for profit or not	Х	Scholarship		Profit (monetarily) from use	
degree of transformation; value added	х	Nonprofit university		Entertainment	
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior	
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Nature of the Copyrighted Work					
character of the work	Х	Published work		Unpublished work	
for example, fact or fiction	х	Factual or non-fiction based	Х	Highly creative work (art, music, novels, films, plays)	
worthy of (extensive) protection?	х	Important to favored educational objectives		Fiction	
Amount and Substantiality					
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the whole work		significant to entire work		work or "heart of the work"	
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test of ETD Image 21				
Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
for profit or not	Х	Scholarship		Profit (monetarily) from use
degree of transformation; value added	х	Nonprofit university		Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior
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worthy of (extensive) protection?	х	Important to favored educational objectives		Fiction
Amount and Substantiality				
use only what's necessary	х	Small quantity of the work	х	Large poprtion or whole work used
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		test of ETD Image 22	
Fair Use Factor		In Favor of Fair Use	In Favor of Copyright Holder (not fair use)
Purpose and Character of Use			
commercial or educational use	Х	Research	Commercial activity
for profit or not	Х	Scholarship	Profit (monetarily) from use
degree of transformation; value added	Х	Nonprofit university	Entertainment
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism	Bad-faith behavior
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Lack of licensing mechanism

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As a test of fair use in ETDs at	Virgin	ia Tech: Melissa Utt, M.Arch	3 thesis "Building the Tango"
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		ETD Image 23	
Fair Use Factor		In Favor of Fair Use	In Favor of Copyright Holder (not fair use)
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Purpose and Character of Use			
commercial or educational use	Х	Research	Commercial activity
for profit or not	Х	Scholarship	Profit (monetarily) from use
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Lack of licensing mechanism

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test of ETD Image 24				
Fair Use Factor		In Favor of Fair Use	In Favor of Copyright Holder (not fair use)	
Purpose and Character of Use				
commercial or educational use	Х	Research	Commercial activity	
for profit or not	Х	Scholarship	Profit (monetarily) from use	
degree of transformation; value added	х	Nonprofit university	Entertainment	
for criticism, commentary, news reporting, teaching, scholarship, research		Criticism	Bad-faith behavior	
		Comment	Denying credit to original author	
	х	Transformative: changes the original work for new purpose		
		Parody		
Nature of the Copyrighted Work				
character of the work	Х	Published work	Unpublished work	
for example, fact or fiction	х	Factual or non-fiction based	Highly creative work (art, music, novels, films, plays)	
worthy of (extensive) protection?	х	Important to favored educational objectives	Fiction	
Amount and Substantiality				
use only what's necessary	х	Small quantity of the work	Large poprtion or whole work used	
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	х	No significant effect o the market or potential market of copyrighted work	Reasonably available licensing mechanism for use of the copyrighted work	
		No similar product marketed by the copyright holder	Affordable permission available for using work	

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As a test of fair use in ETDs at '	Virgin	nia Tech: Melissa Utt, M.Arch (3 thesis "Building the Tango"
	A42041	test of ETD Image 25	
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Fair Use Factor		In Favor of Fair Use	Holder (not fair use)
Purpose and Character of Use			
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		original work for new purpose	
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Nature of the Copyrighted Work			
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			potential market for copyright
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	Х	copyrighted work	of the copyrighted work
		No similar product marketed	Affordable permission
		by the copyright holder	available for using work

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Virgin	ia Tech: Melissa Utt, M.Arch	1 3 th	esis "Building the Tango"	
	test of			
	In Favor of Fair Use		In Favor of Copyright Holder (not fair use)	
Х	Research		Commercial activity	
Х	Scholarship		Profit (monetarily) from use	
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	Comment		Denying credit to original author	
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	Parody			
Х	Published work		Unpublished work	
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	Portion used is not central or significant to entire work		Portion used is central to work or "heart of the work"	
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	No similar product marketed		Affordable permission	
	by the copyright holder		available for using work	
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	test of ETD Image 27			
Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
for profit or not	Х	Scholarship		Profit (monetarily) from use
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for criticism, commentary, news reporting, teaching, scholarship, research		Criticism		Bad-faith behavior
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for example, fact or fiction	Х	Factual or non-fiction based		music, novels, films, plays)
	X	Important to favored		- Constant
worthy of (extensive) protection?		educational objectives		Fiction
Amount and Substantiality	91			
		The state of the s		Large poprtion or whole work
use only what's necessary	X	Small quantity of the work		used
quantity and quality in relation to the whole work		Portion used is not central or		Portion used is central to
the whole work		significant to entire work Amount is appropriate for		work or "heart of the work"
	Х	favored educational purpose		
				<u> </u>
Effect				
harm to potential market or value				
of a work after a portion has been		User has lawfully acquired		Could replace sale of
used separately from the whole		copy of the original work		copyrighted work
				potential market for copyright
		One or fewer copies made		work or derivative
		No significant effect o the		Reasonably available
	x	market or potential market of		licensing mechanism for use
		copyrighted work		of the copyrighted work
		No similar product marketed		Affordable permission
		by the copyright holder Lack of licensing mechanism		available for using work Numerous copies made
		Lack of licensing meenamen		You made it accessible on
1			Х	Web or in other public forum

Web or in other public forum Repeated or long term use

As a test of fair use in ETDs at Virginia Tech: Melissa Utt, M.Arch 3 thesis "Building the Tango"

As a test of fair use in ETDs at '	Virgin	ia Tech: Melissa Utt, M.Arch	3 th	esis "Building the Tango"
	test of ETD Image 28			
Fair Use Factor		In Favor of Fair Use		In Favor of Copyright Holder (not fair use)
Purpose and Character of Use				
commercial or educational use	Х	Research		Commercial activity
for profit or not	Х	Scholarship		Profit (monetarily) from use
degree of transformation; value added for criticism, commentary, news reporting, teaching, scholarship, research	х	Nonprofit university		Entertainment
		Criticism		Bad-faith behavior
		Comment		Denying credit to original author
	х	Transformative: changes the original work for new purpose		
		Parody		
,				
Nature of the Copyrighted Work	-			
character of the work	Х	Published work		Unpublished work
for example, fact or fiction	х	Factual or non-fiction based		Highly creative work (art, music, novels, films, plays)
worthy of (extensive) protection?	х	Important to favored educational objectives		Fiction
Amount and Substantiality	_			
use only what's necessary	х	Small quantity of the work		Large poprtion or whole work used
quantity and quality in relation to the whole work		Portion used is not central or significant to entire work		Portion used is central to work or "heart of the work"
ane milote work		Amount is appropriate for		Trotte Trout or the trott
	Х	favored educational purpose		
Effect				
harm to potential market or value				
of a work after a portion has been		User has lawfully acquired		Could replace sale of
used separately from the whole		copy of the original work		copyrighted work
				Significantly impairs market or
		One or fewer copies made		potential market for copyright work or derivative
		No significant effect o the		Reasonably available
	x	market or potential market of		licensing mechanism for use
		Copyrighted work		of the copyrighted work
		No similar product marketed by the copyright holder		Affordable permission available for using work
		Lack of licensing mechanism		Numerous copies made
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