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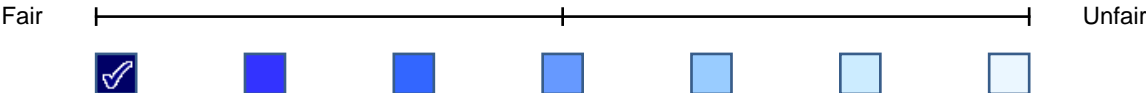
Compiled using the **Fair Use Evaluator** [cc] 2008 Michael Brewer & the Office for Information Technology Policy, http://librarycopyright.net/fairuse/

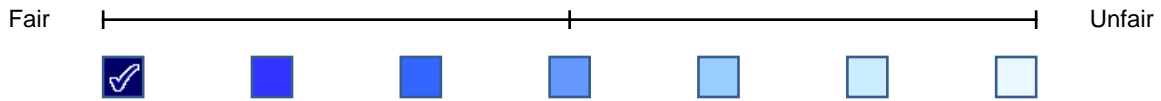|	
Name:	John Slade Lellock
Job Title:	Assistant Professor of Sociology
Institution:	Averett University
Title of Work Used:	Cover of The New Yorker Magazine from November 3, 2014
Copyright Holder:	Condé Nast
Publication Status:	Published
Publisher:	The New Yorker
Place of Publication:	New York City, New York, USA
Publication Year:	2014
Description of Work:	A digital replication of the cover of the New Yorker magazine features a depiction of a couple at a bar alongside them their server presenting them with a craft beer.
Date of Evaluation:	August 24, 2020
Date of Intended Use:	August 24, 2020

Describe the **Purpose** <u></u> and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"
[+] Use is socially beneficial (promotes the creation of new knowledge, learning, etc.) Promotes the creation of knowledge and learning as it is part of a dissertation study.
[+] Use is not-for-profit
[+] Use is clearly defined and is restricted in scope (limited duration, not iterative, restricted access, etc.)
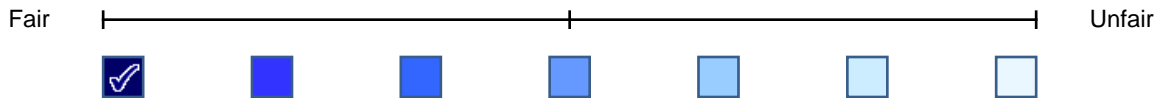[+] Use is one-time, or is only occasional or spontaneous

Fair |———————————————————————————| Unfair

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

[+] Work to be used has been previously PUBLISHED

Fair |——————————————————————|—————————————————————| Unfair
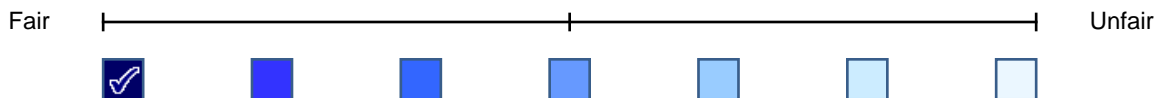
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Describe the # Amount **of Your Intended Use in Relation to the Copyrighted Work as a Whole:**

[+] Only limited and reasonable portions will be used
[+] The portion used is not the "heart" of the work (the portion considered most central to the work as a whole)
[+] Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)
[+] The amount used falls within widely recognized fair use guidelines* vetted by key stakeholder groups [reference guidelines]

Fair |——————————————————————|—————————————————————| Unfair

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Describe the # Effect **of Your Intended Use on the Potential Market or Value of the Copyrighted Work:**
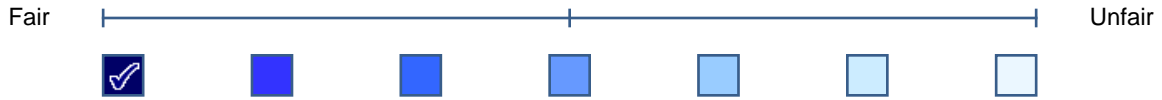
[+] A market for the work as it will be used is absent or is negligible & use of the work will have little or no negative impact on its value or potential value
[+] Use of the work minimizes the potential for unauthorized use that could impact its value (i.e. steps are taken to ensure the content is not used outside of the stated purpose or audience)
[+] Proper attribution will be given with the intended use

Fair |——————————————————————|—————————————————————| Unfair

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

Factors, Is:

Fair ├────────────────────┼────────────────────┤ Unfair

Based on the information and justification I have provided above, I, John Slade Lellock, am **UNDECIDED** whether this use if fair 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.