Fair Use Evaluation Documentation

Name:	Sean D Kelly
Job Title:	Graduate student
Institution:	Virginia Tech
Title of Work Used:	Elastic modulus and toughness of orb spider glycoprotein glue
Copyright Holder:	Brent D. Opell
Publication Status:	Published
Publisher:	PLOS ONE
Place of Publication:	
Publication Year:	2018
Description of Work:	Review of the material properties of orb weaver capture thread
Date of Evaluation:	June 28, 2020
Date of Intended Use:	June 28, 2020

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

The source material, published in PLOS ONE, is an open access journal "distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited." The original authors are cited within the new work (my ETD). Additionally, one of the authors from the 2018 publication is a co-author on the ensuing publication derived from my ETD.

The figure cited is used to visually explain the methods used by both groups of authors. In order to increase the number of species we can measure in this way, we must use the same methods for consistency. Ultimately, citing this figure will streamline and improve the new work (my ETD), while demonstrating consistency in our measurements.

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

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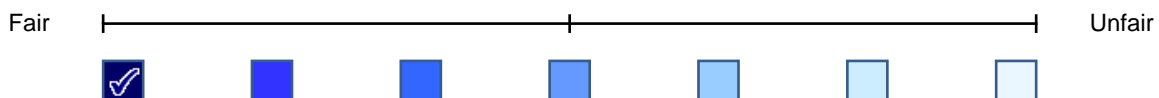
Describe the **Nature** of Your Intended Use of the Copyrighted Work:

The previous work is:

Previously published (in an open access journal, where citing the authors is enough for use)

Outlines a specific method.

Is factual, outlining steps required to obtain the values used in the work.

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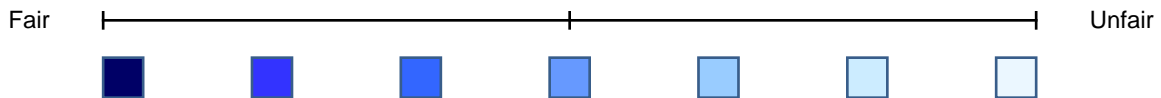
Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

[+] 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]

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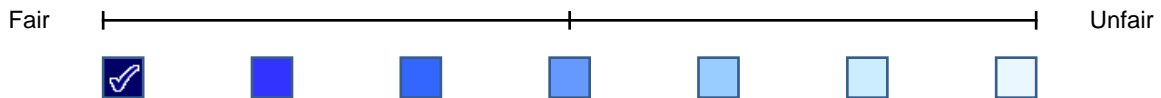
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[+] Proper attribution will be given with the intended use
[+] 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)
Open access journal and the work is cited.

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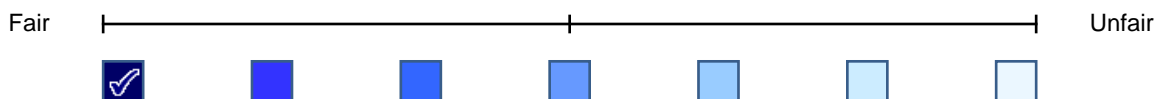
The Average **"Fairness Level,"** **Based on Your Rating of Each of the 4**

Factors, Is:

Fair ⟞————————————————┼————————————————⟝ Unfair

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Other **Important Criteria:**

> This use is simply citing a figure that outlines the methods used by our lab. The figure is from an open access journal and the publication is cited within the new work (my ETD).

Based on the information and justification I have provided above, I, Sean D Kelly, am asserting this use is **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.