

Fair Use Evaluation Documentation

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Name:	Sean D Kelly
Job Title:	Graduate student
Institution:	Virginia Tech
Title of Work Used:	Behavioral and biomaterial coevolution in spider orb webs
Copyright Holder:	Andrew sensenig
Publication Status:	Published
Publisher:	Journal of Evolutionary Biology
Place of Publication:	
Publication Year:	2010
Description of Work:	An evolutionary analysis of spider web performance.
Date of Evaluation:	June 28, 2020
Date of Intended Use:	June 28, 2020

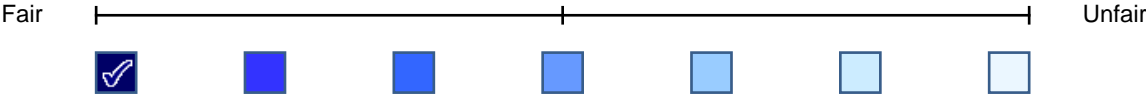
Describe the **Purpose** and Character of Your Intended Use:

[+] Use is transformative, i.e. it uses the existing work in a new way (creates an index to the work) or for a new purpose (parody, pastiche, instructional materials, etc.) Transformative works are favored because the purpose of U.S. Copyright Law is to encourage the development and dissemination of new knowledge to benefit the public and thereby advance learning.

[+] Use is socially beneficial (promotes the creation of new knowledge, learning, etc.) [define how]

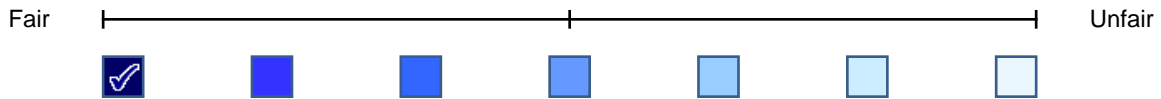
[+] Use is not-for-profit

[+] Use is clearly defined and is restricted in scope (limited duration, not iterative, restricted access, etc.)



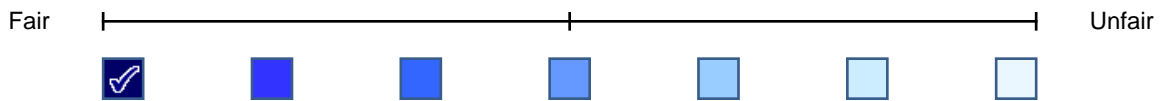
Describe the **Nature** of Your Intended Use of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED
[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)
[+] Original work was not created and/or has not been marketed for the stated purpose of the proposed use



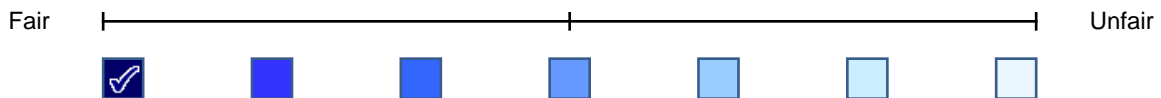
Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

[+] 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]



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

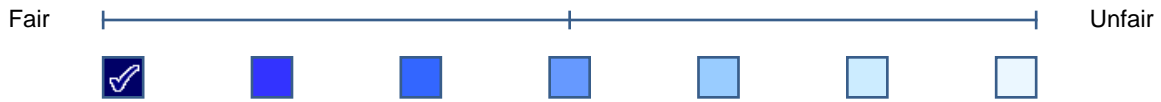
[+] Use of the work minimizes the potential for unauthorized use that could impact its value (i.e. steps are taken to ensure the content is not used outside of the stated purpose or audience)
[+] Use of the work has the potential to create or improve the market for the work
[+] Proper attribution will be given with the intended use



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:

The work I am citing here contains unique measurements of spider thread material properties. In biology, in order to advance the field, we cite previous work and ask questions they left unanswered. My thesis uses previously taken measurements (some of which are added to with my own work), combines them with my own to ask distinct questions from the original work. The measurement in question is flagelliform elastic modulus.

Work like my thesis "transforms" the original purpose of these measurements and applies them to new research questions. Actions such as these advance the field of spider evolution as well as biomimetic research.

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.