

Fair Use Evaluation Documentation

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Name:	Jason Chavez
Job Title:	
Institution:	Virginia Tech
Title of Work Used:	Election Terminology in the Navajo Language
Copyright Holder:	Bernalillo County Clerk's Office - Bureau of Elections
Publication Status:	Published
Publisher:	Bernalillo County, New Mexico
Place of Publication:	
Publication Year:	2012
Description of Work:	A glossary of common elections terms translated from English into the Navajo language to assist poll workers, elections officials, and voters.
Date of Evaluation:	June 16, 2020
Date of Intended Use:	June 16, 2020

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

I am including one page (pg.5) from this glossary in my Master's thesis to illustrate how elections terminology is translated from English into the Navajo language in New Mexico. Since my thesis is focused on elections administration in three counties in Arizona (which do not provide written translations of elections materials to Navajo-speaking voters), this example will allow readers to recognize differences in language access from jurisdiction to jurisdiction. [+ Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

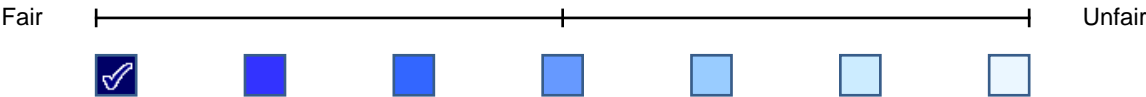
[+] Use is transformative, i.e. it uses the existing work in a new way (creates an index to the work) or for a new purpose (parody, pastiche, instructional materials, etc.) Transformative works are favored because the purpose of U.S. Copyright Law is to encourage the development and dissemination of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

[+] Use is one-time, or is only occasional or spontaneous



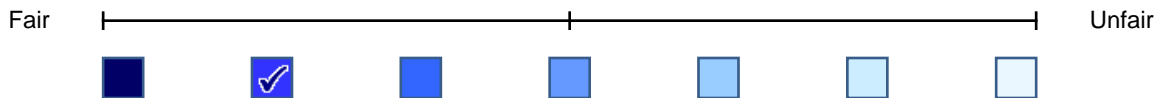
Describe the **Nature** of Your Intended Use of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED
[+] Work to be used contains limited new knowledge, content, or creative expression (in relation to previously copyrighted works)
[+] 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



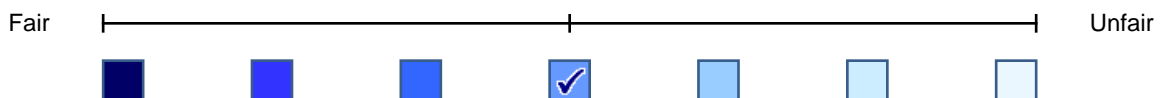
Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

Only one page of the twenty-three page document is used and appropriately cited within the text.
[+] 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.)



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

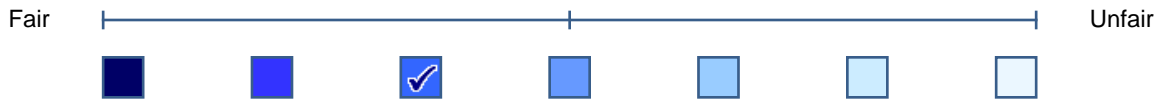
[+] The work is NOT currently under commercial exploitation (out of print, no licensing available, etc.)
[+] A market for the work as it will be used is absent or is negligible & use of the work will have little or no negative impact on its value or potential value
[+] Use of the work has the potential to create or improve the market for the work
[+] Proper attribution will be given with the intended use
[+] The copy of the work to be used is a legal copy



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:

This information is made available to the public by Bernalillo County, NM to aid with translating ballots, voter registration forms, and other elections materials from English into Navajo.

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

Signature: Jason N. Chavez
Date of Signature: 6-15-2020

***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.