

E
X
H
I
B
I
T

3

Bugeja, Michael. *Living Ethics: Across Media Platforms*. New York : Oxford University Press, 2008. Selections. P. 116-121, 299-305.

Put on e-reserve for JOUR 4800 Media Ethics & Society class Fall 2009

Fair Use Checklist

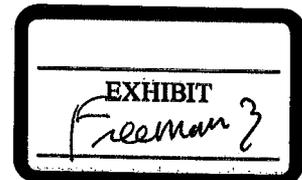
Name: Carrie Freeman, PhD Date: Nov 17, 2010
 Class or Project: Media Ethics & Society
 Course and Term: Fall 2009 JOUR4800
 Title of Copyrighted Work: Living Ethics (book)
 Author and Publisher: Michael Bugeja, Oxford Univ Press
 Portion(s) to be used (e.g., pages, timer counts): pp 116-121 and 299-305

Instructions: Where the factors favoring fair use outnumber those against it, reliance on fair use is justified. Where fewer than half the factors favor fair use, instructors should seek permission from the rights holder. Where the factors are evenly split, instructors should consider the total facts weighing in favor of fair use as opposed to the total facts weighing against fair use in deciding whether fair use is justified. Not all of the facts will be present in any given situation. Check only those facts that apply to your use. No single item or factor is determinative of fair use. Instructors should consult the Legal Affairs office at their institution or at the Office of the Board of Regents if they have questions regarding analysis of the four factors.

For more information regarding the fair use factors, please see the fair use sections of the Policy on the Use of Copyrighted Works in Education and Research for the University System of Georgia, which can be found on the web at <http://www.usg.edu/copyright/>. Complete and retain a copy of this checklist for each "fair use" of a copyrighted work in order to establish a "reasonable and good faith" attempt at applying fair use should any dispute regarding such use arise.

Factor 1: Purpose and Character of the Use <i>Weights in Favor of Fair Use</i>	<i>Weights Against Fair Use</i>
Nonprofit Educational Teaching (including multiple copies for classroom use) Research or Scholarship Criticism, Comment, News Reporting, or Parody Transformative (use changes work for new utility or purpose) Personal Study Use is necessary to achieve your intended educational purpose	Commercial activity Profiting from use Entertainment Non-transformative For publication For public distribution Use exceeds that which is necessary to achieve your intended educational purpose

Yes to all but personal study and transformative



GaState0065305

<p>Factor 2: Nature of Copyrighted Work Weighs in Favor of Fair Use</p> <p>Published work Factual or nonfiction work Important to educational objectives</p> <p><i>Yes to all herein factor 2</i></p>	<p>Weighs Against Fair Use</p> <p>Unpublished work Highly creative work (art, music, novels, films, plays, poetry, fiction) Consumable work (workbook, test)</p>
<p>Factor 3: Amount and Substantiality of Portion Used Weighs In Favor of Fair Use</p> <p>Small portion of work used Portion used is not central or significant to entire work as a whole Amount taken is narrowly tailored to educational purpose, such as criticism, comment, research, or subject being taught</p> <p><i>Yes to all here in factor 3</i></p>	<p>Weighs Against Fair Use</p> <p>Large portion or entire work used Portion used is central to work or "heart of the work" Amount taken is more than necessary for criticism, comment, research, or subject being taught</p>
<p>Factor 4: Effect on Market for Original Weighs in Favor of Fair Use</p> <p>No significant effect on market or potential market for copyrighted work Use stimulates market for original work No similar product marketed by the copyright holder No longer in print Licensing or permission unavailable Supplemental classroom reading One or few copies made or distributed User owns lawfully acquired or purchased copy of original work Restricted access (to students or other appropriate group)</p>	<p>Weighs Against Fair Use</p> <p>Significantly impairs market or potential market for copyrighted work or derivative Licensing or permission reasonably available Numerous copies made or distributed Repeated or long-term use that demonstrably affects the market for the work Required classroom reading User does not own lawfully acquired or purchased copy of original work Unrestricted access on the web or other public forum</p>

Yes to all in factor four except one or few copies made and no longer in print and licensing unavailable