

L. Professor Denis Gainty

604. Professor Denis Gainty is currently employed as a professor at Georgia State University.

1) HIST 4820 – Cross-Cultural Encounters in World History– Fall 2009

605. Professor Denis Gainty taught HIST 4820 during Fall 2009.

606. One student enrolled in Professor Denis Gainty's section of HIST 4820.

i. The Cambridge History of China, Volume 8, Part 2

607. Professor Denis Gainty used an excerpt from the work The Cambridge History of China, Volume 8, Part 2 while teaching HIST 4820 during Fall 2009.

608. The Cambridge History of China, Volume 8, Part 2 is published by Cambridge.

609. The Cambridge History of China, Volume 8, Part 2 is 1231 pages long.

610. Professor Denis Gainty prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

611. The excerpt of The Cambridge History of China, Volume 8, Part 2 that was placed on Georgia State University's ERes system was 1231 pages long, and constituted approximately 2.9% of the work.

612. The excerpt of The Cambridge History of China, Volume 8, Part 2 that was placed on Georgia State University's ERes system was used for a nonprofit, educational purpose. Namely, the excerpt was used as part of Professor Denis Gainty's course materials for the purpose of teaching his class, and neither Professor Denis Gainty, Georgia State University, nor the named defendants profited from the use of the excerpt of The Cambridge History of China, Volume 8, Part 2.

613. The excerpt of The Cambridge History of China, Volume 8, Part 2 that was placed on Georgia State University's ERes system was not used for commercial purposes.

614. The excerpt of The Cambridge History of China, Volume 8, Part 2 that was placed on Georgia State University's ERes system was used by Professor Denis Gainty for the purpose of teaching the students in his course.

615. Neither Georgia State University, Professor Denis Gainty, nor the named Defendants profited from the use of the excerpt of The Cambridge

History of China, Volume 8, Part 2 that was placed on Georgia State University's ERes system.

616. Professor Denis Gainty did not use the excerpt of The Cambridge History of China, Volume 8, Part 2 that he placed on Georgia State University's ERes system for the purpose of entertainment.

617. Professor Denis Gainty's use of the excerpt of The Cambridge History of China, Volume 8, Part 2 that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

618. Professor Denis Gainty did not publish or publicly distribute the excerpt of The Cambridge History of China, Volume 8, Part 2 that he placed on Georgia State University's ERes system.

619. Professor Denis Gainty's use of the excerpt of The Cambridge History of China, Volume 8, Part 2 that he placed on Georgia State University's ERes system did not exceed his intended educational purpose.

620. The Cambridge History of China, Volume 8, Part 2 is a published work.

621. The Cambridge History of China, Volume 8, Part 2 is a factual work of nonfiction.

622. The excerpt of The Cambridge History of China, Volume 8, Part 2 that Professor Denis Gainty used in his course was important to his educational objectives.

623. The excerpt of The Cambridge History of China, Volume 8, Part 2 that Professor Denis Gainty used in his course amounts to 2.9% of the work, and as such, was a small portion of The Cambridge History of China, Volume 8, Part 2.

624. The excerpt of The Cambridge History of China, Volume 8, Part 2 that Professor Denis Gainty used in his course was not central to the work.

625. The excerpt of The Cambridge History of China, Volume 8, Part 2 that Professor Denis Gainty used in his course was narrowly tailored for Professor Denis Gainty's educational purpose.

626. Professor Denis Gainty's use of the excerpt of The Cambridge History of China, Volume 8, Part 2 did not have a significant effect on the market or potential market for the copyrighted work because the ERes excerpt was restricted to his class.

627. Professor Denis Gainty's use of the excerpt of The Cambridge History of China, Volume 8, Part 2 stimulated the market for the original work.

628. The publisher of The Cambridge History of China, Volume 8, Part 2 does not market any similar product.

629. A small number of copies of the excerpt of The Cambridge History of China, Volume 8, Part 2 were distributed—specifically, the ERes records indicate that the work was accessed once.

630. Access to the excerpt of The Cambridge History of China, Volume 8, Part 2 was limited to the students in the class by a password protected website.

631. The excerpt of The Cambridge History of China, Volume 8, Part 2 was removed from the ERes system after the semester ended.

632. GSU lawfully owns a copy of The Cambridge History of China, Volume 8, Part 2.