

E. Professor Barker

108. Professor Barker is currently employed as a professor at Georgia State University.

1) FILM4750 – Film Theory and Criticism – Fall 2009

109. Professor Barker taught FILM4750 during Fall 2009.

110. Twenty-two students enrolled in Professor Barker's section of FILM4750.

111. Professor Barker required her students to purchase the following works for FILM4750: Film Studies (Hill and Gibson).

i. Film Language: A Semiotics of the Cinema (1974)

112. Professor Barker used an excerpt from the work Film Language: A Semiotics of the Cinema (1974) while teaching FILM4750 during Fall 2009.

113. Film Language is published by Oxford.

114. Film Language is 282 pages long.

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

116. The excerpt of Film Language that was placed on Georgia State University's ERes system was 41 pages long, and constituted approximately 14.5% of the work.

117. The excerpt of Film Language 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 Barker's course materials for the purpose of teaching her class, and neither Professor Barker, Georgia State University, nor the named defendants profited from the use of the excerpt of Film Language.

118. The excerpt of Film Language that was placed on Georgia State University's ERes system was not used for commercial purposes.

119. The excerpt of Film Language that was placed on Georgia State University's ERes system was used by Professor Barker for the purpose of teaching the students in her course.

120. Neither Georgia State University, Professor Barker, nor the named Defendants profited from the use of the excerpt of Film Language that was placed on Georgia State University's ERes system.

121. The excerpt of Film Language that was placed on Georgia State University's ERes system was used by Professor Barker for the purpose of research and scholarship.

122. Professor Barker's use of the excerpt of Film Language that she placed on Georgia State University's ERes system was necessary to achieve her intended educational purpose.

123. Professor Barker did not use the excerpt of Film Language that she placed on Georgia State University's ERes system for the purpose of entertainment.

124. Professor Barker did not publish or publicly distribute the excerpt of Film Language that she placed on Georgia State University's ERes system.

125. Professor Barker's use of the excerpt of Film Language that she placed on Georgia State University's ERes system did not exceed her intended educational purpose.

126. Film Language is a published work.

127. Film Language is a factual work of nonfiction.

128. The excerpt of Film Language that Professor Barker used in her course was important to her educational objectives.

129. The excerpt of Film Language that Professor Barker used in her course amounts to 14.5% of the work, and as such, was a small portion of Film Language.

130. The excerpt of Film Language that Professor Barker used in her course was narrowly tailored for Professor Barker's educational purpose.

131. The excerpt of Film Language that Professor Barker used in her course was not central to the work.

132. The publisher of Film Language does not market any similar product.

133. A small number of copies of the excerpt of Film Language were distributed—specifically, the ERes records indicate that the work was accessed 16 times.

134. Access to the excerpt of Film Language was limited to the students in the class by a password protected website.

135. The excerpt of Film Language was removed from the ERes system after the semester ended.

136. GSU lawfully owns a copy of Film Language.