

F. Professor Danis

137. Professor Danis is currently employed as a professor at Georgia State University.

1) Management in Transition Economies: The Czech Republic & Hungary – Maymester 2009

138. Professor Danis had planned to teach IB4410 during Maymester 2009.

139. Thirteen students enrolled in Professor Danis' section of IB4410.

i. The Enlargement of the European Union

140. The Enlargement of the European Union is published by Oxford.

141. The Enlargement of the European Union is 284 pages long.

142. The Enlargement of the European Union is a collective work made up of works from several different contributors.

143. The Enlargement of the European Union is not owned by Oxford by an assignment.

144. No application to register The Enlargement of the European Union was ever filed with the U.S. Copyright Office.

145. The excerpt of *The Enlargement of the European Union* Professor Danis placed on Georgia State University's ERes system is a single work provided by one contributor, and that contributor did not assign or grant an exclusive license to the work to Oxford.

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

147. The excerpt of *The Enlargement of the European Union* that was placed on Georgia State University's ERes system was 10 pages long, and constituted approximately 3.5% of the work.

148. The excerpt of *The Enlargement of the European Union* that was placed on Georgia State University's ERes system was used for a nonprofit, educational purpose. Namely, the excerpt was to be used as part of Professor Danis's course materials for the purpose of teaching his class, and neither Professor Danis, Georgia State University, nor the named defendants profited from the use of the excerpt of *The Enlargement of the European Union*.

149. The excerpt of *The Enlargement of the European Union* that was placed on Georgia State University's ERes system was not used for commercial purposes.

150. The excerpt of The Enlargement of the European Union that was placed on Georgia State University's ERes system was to be used by Professor Danis for the purpose of teaching the students in his course.

151. Neither Georgia State University, Professor Danis, nor the named Defendants profited from the use of the excerpt of The Enlargement of the European Union that was placed on Georgia State University's ERes system.

152. Professor Danis planned to use the excerpt of The Enlargement of the European Union that he placed on Georgia State University's ERes system for the purpose of research and scholarship.

153. Professor Danis did not use the excerpt of The Enlargement of the European Union that he placed on Georgia State University's ERes system for the purpose of entertainment.

154. Professor Danis planned to use the excerpt of The Enlargement of the European Union that he placed on Georgia State University's ERes system for the purpose of criticism and/or comment.

155. Professor Danis' use of the excerpt of The Enlargement of the European Union that he placed on Georgia State University's ERes system was to be for personal study.

156. Professor Danis' use of the excerpt of The Enlargement of the European Union that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

157. Professor Danis did not publish or publicly distribute the excerpt of The Enlargement of the European Union that he placed on Georgia State University's ERes system.

158. Professor Danis's use of the excerpt of The Enlargement of the European Union that he placed on Georgia State University's ERes system did not exceed his intended educational purpose.

159. The Enlargement of the European Union is a published work.

160. The Enlargement of the European Union is a factual work of nonfiction.

161. The excerpt of The Enlargement of the European Union that Professor Danis planned to use in his course was important to his educational objectives.

162. The excerpt of The Enlargement of the European Union that Professor Danis planned to use in his course amounts to 3.5% of the work, and as such, was a small portion of The Enlargement of the European Union.

163. The excerpt of *The Enlargement of the European Union* that Professor Danis planned to use in his course was not central to the work.

164. The excerpt of *The Enlargement of the European Union* that Professor Danis planned to use in his course was narrowly tailored for Professor Danis's educational purpose.

165. Professor Danis' use of the excerpt of *The Enlargement of the European Union* did not have a significant effect on the market or potential market for the copyrighted work because the class was never taught and the ERes excerpt was never assigned to his class.

166. The publisher of *The Enlargement of the European Union* does not market any similar product.

167. A small number of copies of the excerpt of *The Enlargement of the European Union* were distributed—specifically, the ERes records indicate that the work was accessed one time.

168. Access to the excerpt of *The Enlargement of the European Union* was limited to the students in the class by a password protected website.

169. The excerpt of *The Enlargement of the European Union* was removed from the ERes system after the semester ended.

170. GSU lawfully owns a copy of The Enlargement of the European Union.