

I. Professor John Duffield

379. Professor John Duffield is currently employed as a professor at Georgia State University.

380. Professor John Duffield has encountered a situation where the library has rejected a request to place an excerpt on Georgia State University's ERes system because the portion Professor John Duffield attempted to place on ERes was too large.

381. When determining whether to even consider performing the fair use analysis for an excerpt, Professor John Duffield considers the size of the excerpt he intends to use before performing a complete fair use analysis using Georgia State University's fair use checklist, and if he believes based on that preliminary analysis that the excerpt would be too large for his use to be fair, Professor John Duffield does not perform further analysis, and either does not place the excerpt on ERes, or reduces the amount of his use.

1) **POLS8470 – MILITARY CONFLICT AND INTERNATIONAL SECURITY**

382. Professor John Duffield taught POLS8470 during Fall 2009.

383. Fourteen students enrolled in Professor John Duffield's section of POLS8470.

i. **Behavior, Society, and Nuclear War, Vol. 1**

384. Professor John Duffield used an excerpt from the work Behavior, Society, and Nuclear War, Vol. 1 while teaching POLS8470 during Fall 2009.

385. Behavior, Society, and Nuclear War, Vol. 1 is published by Oxford.

386. Behavior, Society, and Nuclear War, Vol. 1 is 413 pages long.

387. Behavior, Society, and Nuclear War, Vol. 1 is a collective work made up of works from several different contributors.

388. Behavior, Society, and Nuclear War, Vol. 1 was first published on 1990.

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

390. The excerpt of Behavior, Society, and Nuclear War, Vol. 1 that was placed on Georgia State University's ERes system was 38 pages long, and constituted a part of one chapter and approximately 9.2% of the work.

391. The excerpt of Behavior, Society, and Nuclear War, Vol. 1 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 John Duffield's course materials for the purpose of teaching his class, and neither Professor John Duffield, Georgia State University, nor the named defendants profited from the use of the excerpt of Behavior, Society, and Nuclear War, Vol. 1.

392. The excerpt of Behavior, Society, and Nuclear War, Vol. 1 that was placed on Georgia State University's ERes system was not used for commercial purposes.

393. The excerpt of Behavior, Society, and Nuclear War, Vol. 1 that was placed on Georgia State University's ERes system was used by Professor John Duffield for the purpose of teaching the students in his course.

394. Neither Georgia State University, Professor John Duffield, nor the named Defendants profited from the use of the excerpt of Behavior, Society, and Nuclear War, Vol. 1 that was placed on Georgia State University's ERes system.

395. Professor John Duffield did not use the excerpt of Behavior, Society, and Nuclear War, Vol. 1 that he placed on Georgia State University's ERes system for the purpose of entertainment.

396. Professor John Duffield's use of the excerpt of Behavior, Society, and Nuclear War, Vol. 1 that he placed on Georgia State University's ERes system was necessary to achieve his intended educational purpose.

397. Professor John Duffield did not publish or publicly distribute the excerpt of Behavior, Society, and Nuclear War, Vol. 1 that he placed on Georgia State University's ERes system.

398. Professor John Duffield's use of the excerpt of Behavior, Society, and Nuclear War, Vol. 1 that he placed on Georgia State University's ERes system did not exceed his intended educational purpose because he used only the amount of the work that she needed to illustrate her intended lesson to the class.

399. Behavior, Society, and Nuclear War, Vol. 1 is a published work.

400. Behavior, Society, and Nuclear War, Vol. 1 is a factual work of nonfiction.

401. The excerpt of Behavior, Society, and Nuclear War, Vol. 1 that Professor John Duffield used in his course was important to his educational objectives.

402. The excerpt of Behavior, Society, and Nuclear War, Vol. 1 that Professor John Duffield used in his course amounts to 9.2% of the work, and as such, was a small portion of Behavior, Society, and Nuclear War, Vol. 1.

403. The excerpt of Behavior, Society, and Nuclear War, Vol. 1 that Professor John Duffield used in his course was not central to the work because is a collection of articles, and, as such, does not have a central or heart of the work.

404. The excerpt of Behavior, Society, and Nuclear War, Vol. 1 that Professor John Duffield used in his course was narrowly tailored for Professor John Duffield's educational purpose because he only used the portion of the work that he needed to illustrate his lesson.

405. Professor John Duffield's use of the excerpt of Behavior, Society, and Nuclear War, Vol. 1 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.

406. Professor John Duffield's use of the excerpt of Behavior, Society, and Nuclear War, Vol. 1 stimulated the market for the original work because his use exposed students to a portion of a work that they may not have otherwise experienced.

407. The publisher of Behavior, Society, and Nuclear War, Vol. 1 does not market any similar product.

408. A small number of copies of the excerpt of Behavior, Society, and Nuclear War, Vol. 1 were distributed—specifically, the ERes records indicate that the work was accessed only 14 times.

409. Access to the excerpt of Behavior, Society, and Nuclear War, Vol. 1 was limited to the students in the class by a password protected website.

410. The excerpt of Behavior, Society, and Nuclear War, Vol. 1 was removed from the ERes system after the semester ended.

411. Georgia State University lawfully owns a copy of Behavior, Society, and Nuclear War, Vol. 1.