

# EXHIBIT C

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

CAMBRIDGE UNIVERSITY PRESS;	)	
OXFORD UNIVERSITY PRESS, INC.;	)	
SAGE PUBLICATIONS, INC.,	)	
	)	
Plaintiffs	)	CIVIL ACTION NO.
	)	1:08-CV-1425-ODE
v.	)	
	)	
MARK P. BECKER, in his official	)	
capacity as President of Georgia State	)	
University, et al.	)	
	)	
Defendants	)	

**[PROPOSED] DECLARATORY JUDGMENT**

1. The Court hereby Declares that as discussed in detail in the Court’s May 11, 2012 Order, a Copyright Policy that considers the below enumerated guidelines will limit the University System of Georgia’s use of Plaintiffs’ works (1) “to decidedly small excerpts,” (2) proscribe the use of multiple chapters from the same book, and (3) “provide sufficient guidance in determining the ‘actual or potential effect on the market or the value of the copyrighted work’” as required by the May 11, 2012 Order:

**Factor 1: Purpose and Character of the Use**

When the use is for teaching or scholarship, this factor will favor fair use. Activities that are truly confined to a university in support of nonprofit education favor fair use. Uses that are "transformative" also favor fair use.

### **Factor 2: Nature of the Copyrighted Work**

When the use is of excerpts that are informational and educational in nature and not fictional, as opposed to fiction and other highly creative works, including novels, short stories, poetry, and modern art images, this factor will favor fair use.

### **Factor 3: Amount of the Work Used**

When the amount used is “decidedly small,” this factor will favor fair use. An excerpt may be considered to be “decidedly small” according to the following guidelines:

- A. The excerpt is made and/or distributed by the faculty, without charge, for teaching (including multiple copies for classroom use) or scholarship or other educational purpose; and
- B. The excerpt is to be used for a non commercial, nonprofit educational use; and
- C. The excerpt fulfills a demonstrated legitimate purpose in the course curriculum and is narrowly-tailored to accomplish that purpose; and
- D. The excerpt does not constitute the “heart of the work”; and
- E. The excerpt constitutes a decidedly small portion of the work in accordance with the following criteria:
  - 1. If the excerpt is from a work that is not divided into chapters or contains fewer than ten chapters, the excerpt does not exceed ten (10) percent of the pages in the work as a whole; or

2. If the excerpt is from a work that contains ten or more chapters, the excerpt does not exceed one (1) chapter; or
- F. If, after consulting the copyright owner (often the publisher) or its authorized agent (such as the Copyright Clearance Center), it is determined that the excerpt is not readily available for digital academic use at a reasonable price; and
  - G. The excerpt may be accessed only by students currently enrolled in the relevant course only during the academic term in which the course is offered; and
  - H. A notice is provided with the excerpt to remind students of the limitations of the copyright laws and to prohibit the distribution of the excerpt to others.

**Factor 4: Effect on the Value of or Market for the Work**

This factor will weigh against fair use if a digital excerpt license is readily available from, for example, the publisher (or an agent of the publisher, such as the Copyright Clearance Center) at a reasonable price for academic use; the absence of such a digital excerpt license weighs in favor of fair use.

SO ORDERED this \_\_\_\_ day of \_\_\_\_, 2012.

---

Hon. Orinda D. Evans  
United States District Judge