

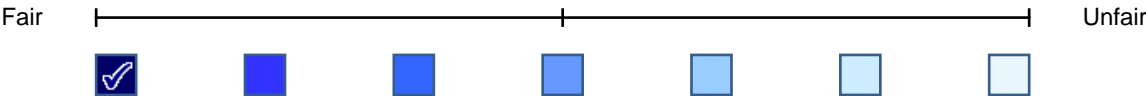
Fair Use Evaluation Documentation

Compiled using the **Fair Use Evaluator** [cc] 2008 Michael Brewer & the Office for Information Technology Policy, <http://librarycopyright.net/fairuse/>

Name:	Chris Vaisvil
Job Title:	
Institution:	
Title of Work Used:	The Wind Sprang Up
Copyright Holder:	T. S. Eliot
Publication Status:	Published
Publisher:	Harcourt, Brace and Company
Place of Publication:	USA
Publication Year:	1935
Description of Work:	author calls this a minor poem
Date of Evaluation:	June 10, 2017
Date of Intended Use:	June 10, 2017

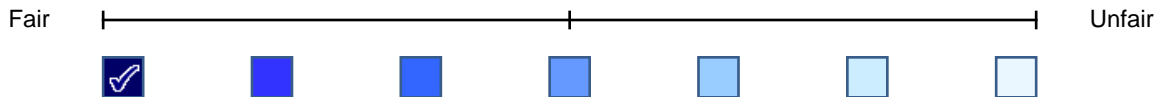
Describe the **Purpose** and Character of Your Intended Use:

To illustrate use of poems as song lyrics
[+] Use is transformative, i.e. it uses the existing work in a new way (creates an index to the work) or for a new purpose (parody, pastiche, instructional materials, etc.) Transformative works are favored because the purpose of U.S. Copyright Law is to encourage the development and dissemination of new knowledge to benefit the public and thereby advance learning.
[+] Use is socially beneficial (promotes the creation of new knowledge, learning, etc.) [define how]
[+] Use is not-for-profit
[+] Use is one-time, or is only occasional or spontaneous



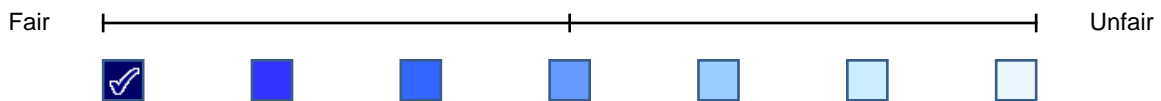
Describe the **Nature** of Your Intended Use of the Copyrighted Work:

[+] Original work was not created and/or has not been marketed for the stated purpose of the proposed use
[+] Work to be used has been previously PUBLISHED
[+] Work to be used contains limited new knowledge, content, or creative expression (in relation to previously copyrighted works)
[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)



Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

The 12 line poem will be used, however, the text will not be published and only will be present in the form of melodic singing
[+] Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)
[+] If the entire work is to be used (which would NOT favor the use being fair), it is clear that no less than the entire work will achieve the stated purpose of the use (e.g. use of a photograph, a short poem, an article, etc.)



Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

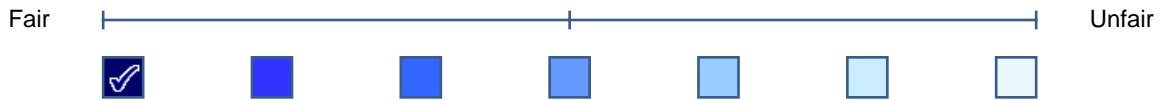
[+] A market for the work as it will be used is absent or is negligible & use of the work will have little or no negative impact on its value or potential value
[+] The copyright holder cannot be identified or cannot be found after a reasonable search, or, once found does not respond (one way or another) to requests for permission to use the work
[+] Use of the work has the potential to create or improve the market for the work
[+] Proper attribution will be given with the intended use



The Average **"Fairness Level,"** Based on Your Rating of Each of the 4

Factors, Is:

[\[see tool disclaimer for important clarifying information\]:](#)



Based on the information and justification I have provided above, I, Chris Vaisvil, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature: _____

Date of Signature: _____

****Disclaimer:** This document is intended to help you collect, organize & archive the information you might need to support your fair use evaluation. It is not a source of legal advice or assistance. The results are only as good as the input you have provided by are intended to suggest next steps, and not to provide a final judgment. It is recommended that you share this evaluation with a copyright specialist before proceeding with your intended use.*