

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:	Chase Rogers
Job Title:	Student
Institution:	University of Oregon
Title of Work Used:	The Sound of Waves
Copyright Holder:	Yukio Mishima
Publication Status:	Published
Publisher:	Alfred A. Knopf (english translation)
Place of Publication:	
Publication Year:	1954 (original) / 1956 (english translation)
Description of Work:	The Sound of Waves is a coming-of-age fiction novel which explores themes of growth and adolescence.
Date of Evaluation:	June 11, 2023
Date of Intended Use:	June 12, 2023

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

The purpose of my use is to provide data for a research project which analyzes the presentation of masculinity in coming-of-age fiction literature. The project is intended to provide insight into the state of novels in the genre in the inclusion of different forms and presentations of masculinity.

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

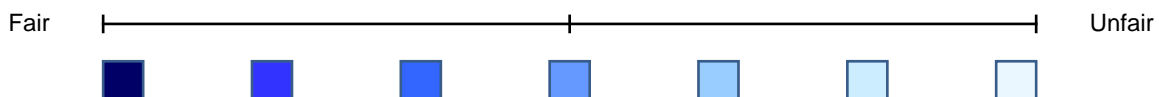
[+] Use is transformative, i.e. it uses the existing work in a new way (creates an index to the work) or for a new purpose (parody, pastiche, instructional materials, etc.) Transformative works are favored because the purpose of U.S. Copyright Law is to encourage the development and dissemination of 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

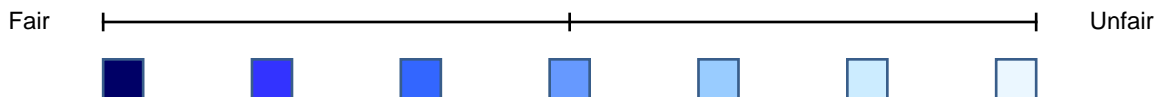
[+] Use is clearly defined and is restricted in scope (limited duration, not iterative, restricted access, etc.)

[+] Use is one-time, or is only occasional or spontaneous



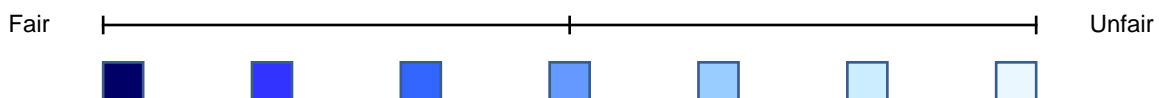
Describe the **Nature** of Your Intended Use of the Copyrighted Work:

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



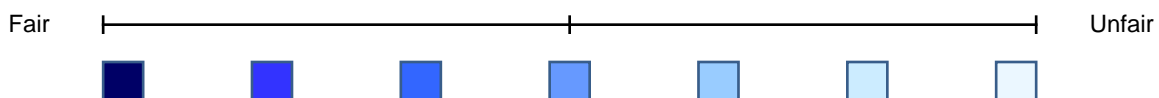
Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

[+] Only limited and reasonable portions will be used
[+] The portion used is not the "heart" of the work (the portion considered most central to the work as a whole)
[+] Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)
[+] The amount used falls within widely recognized fair use guidelines* vetted by key stakeholder groups [reference guidelines]



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

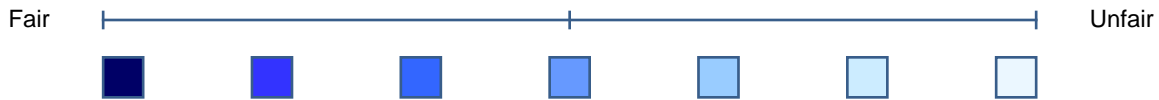
[+] The work is NOT currently under commercial exploitation (out of print, no licensing available, etc.)
[+] Use of the work minimizes the potential for unauthorized use that could impact its value (i.e. steps are taken to ensure the content is not used outside of the stated purpose or audience)
[+] Proper attribution will be given with the intended use
[+] 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 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, Chase Rogers, am **UNDECIDED** whether this use is fair under Section 107 of the U.S. Copyright Code.

Signature: Chase Rogers

Date of Signature: 06/11/2023

***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.