

Fair Use Statement

1. Identification of Copyrighted Material:

- **Work:** "Enrichment of H₂¹⁷O from Tap Water, Characterization of the Enriched Water, and Properties of Several ¹⁷O-Labeled Compounds".
- **Authors:** Brinda Prasad, Andrew R. Lewis, and Erika Plettner.
- **Publication:** *Anal. Chem.* 2011, 83, 1, 231–239.
- **DOI:** 10.1021/ac1022887.
- **Publisher/Copyright Holder:** American Chemical Society.
- **Material Shared:** A combined digital file containing the full text of the aforementioned article and its complete associated Supporting Information (SI).

2. Assertion of Fair Use:

- The sharing of this copyrighted material is undertaken for specific, limited purposes, believed in good faith to constitute "fair use" under Section 107 of the U.S. Copyright Act (or applicable analogous principles in other jurisdictions).

3. Purpose and Character of Use (Factor 1):

- **Non-Profit Educational and Research:** The use is strictly for non-commercial research and educational purposes, specifically within the context of scholarly critique and the advancement of research methodology.
- **Transformative Use:** The work is not merely being reproduced; it is fundamentally repurposed as a **research specimen** for critical analysis. Its primary function in this context is not to convey its original purported findings, but to serve as the subject of rigorous evaluation and methodological demonstration.
- **Critique and Commentary:** A core purpose is to conduct and disseminate a detailed, peer-review-like critique of the article's methodology, analysis, and conclusions. This critique identifies significant flaws within the original work.
- **Advancement of Knowledge & Methodology:** The use includes the development and demonstration of a novel AI-driven prompt/technique for manuscript analysis. Sharing the specimen (the article + SI file) is integral to demonstrating and enabling the verification and further development of this new analytical method.

4. Nature of the Copyrighted Work (Factor 2):

- The original work is a published scholarly article, typically factual in nature, a category often amenable to fair use for purposes of scholarship and critique.
- However, the conducted analysis (central to this project) has revealed substantial flaws impacting the reliability and validity of the work's core research findings as presented. This impacts the assessment of its nature in the context of this specific use.

5. Amount and Substantiality of the Portion Used (Factor 3):

- The **entire article and its complete Supporting Information** are utilized and shared in a combined format.
- **Justification:** This amount is **essential and necessary** for the stated purpose. A comprehensive critique, akin to thorough peer review or forensic analysis, requires examination of the whole work, including all data and methods presented in the SI. Evaluating the integrity and validity of the research necessitates access to the complete context. Furthermore, the development and validation of the AI analysis prompt require the complete text as input. The combined file format, not available directly from the publisher, was the specific subject of the analysis.

6. Effect of the Use upon the Potential Market for or Value of the Copyrighted Work (Factor 4):

- **No Harm to Legitimate Market:** This use is not intended to, nor is it likely to, negatively impact the *legitimate* market or value of the original copyrighted work. The publisher's market relies on the perceived value of the article

as a source of valid scientific findings.

- **Critique Reveals Lack of Value:** The critique resulting from this research demonstrates fundamental flaws undermining the article's claimed scientific value. Therefore, sharing the work *specifically in this context* (as a specimen for critique and methodological development) does not substitute for or usurp the market for the work based on its originally purported merits, as those merits are shown to be compromised. Dissemination for critique serves the public interest by highlighting these issues, distinct from fulfilling the original market demand.
- **Controlled Access for Verification via Private OSF Project:** To ensure transparency and enable independent verification and follow-on research by interested parties engaging with the publicly disseminated research critique manuscript [TBD], the combined article + SI file (serving as the direct supporting evidence and test specimen) is hosted within a **private** Open Science Framework (OSF) project. A **view-only link** to this private project will be provided alongside the manuscript.
- **Minimized Risk of Unintended Use:** This method ensures that access is granted **specifically** to individuals who are actively reviewing or assessing the research critique presented in the manuscript. The private nature of the OSF project prevents general public discovery through search engines, and the view-only restriction prevents facile downloading and redistribution. Access requires the specific link obtained from the context of the critique manuscript.
- **Purpose Remains Transformative, Not Substitutive:** By utilizing a controlled-access, view-only repository linked directly to the research critique, this approach provides the necessary transparency for verification while strictly limiting potential downstream use and eliminating broad public access. This method strongly reinforces that the purpose is critique and verification (transformative uses), not market substitution for the original work's questioned scientific claims, thereby minimizing any potential harm to a legitimate market.

7. Conclusion:

- Based on the non-profit, educational, highly transformative nature of the use (critique, commentary, methodological advancement), the necessity of using the entire work for these specific purposes, and the argument that this use does not harm the legitimate market value due to the work's identified flaws and the distinct purpose of sharing, this distribution is asserted to be fair use.
- This material is intended solely for the recipient(s) for purposes directly related to verifying, understanding, or building upon the presented critique and methodological research. **Further distribution is not permitted.** Copyright remains with the original holder(s).