



Adventures in Copyright! Which use is a Fair Use? CTE SIUC 2021

I want to use 6 pages from a diet book: The rules for the diet, the foods required, and a 7-day meal plan.

Use1: For my class on how to eat healthy. I think this is the best diet plan and I want to teach people how to eat this way.

Use1 is NOT fair use.

- Even though I am using just a few pages, they are the most important parts of the book, the “**heart of the work**”. This is a unique diet plan, a creative work, not facts or data.
- If someone took my class on this diet, they could just use my handouts and never buy the book the class was based on. **That’s not fair to the creator** and can have a **negative effect on the work’s value**.
- A fair use should not make it unnecessary for the intended audience to purchase the work.
- **The diet book needs to be a required reading/purchase for this course.**

Use2: For my class about diet book “gimmicks” among popular diet plans. These 8 pages will be one of many examples I will use to demonstrate that popular diets all have their dieters: start the day with a hot, sour flavored drink (*hot drinks make you feel full and sour flavors suppress appetite*); prepare all of the food from scratch (*avoiding restaurant and processed foods cuts fat, salt, and sugar dramatically*); and to avoid white sugar, white flour, alcohol, saturated fats and refined oils (*avoiding those foods will help you lose weight on almost any diet plan*). I use the foods and eating plans from many different diets books and swap out different examples each semester.



Use2 IS fair use.

- The reading is being used as an **example** of a pattern, it is not the subject material itself.
- My intended audience for this class are marketers and social scientists. Marketers and social scientists **are not the intended audience** of the diet book I made use of.
- **I can use other diet and eating plans** to make my point about a hot, sour drink being recommended in the mornings, or to show that foods are to be made from scratch.
- Using different examples if I teach this class consecutive semesters contributes to fair use.
- In the context of Use2, **the diet plans and foods are not especially unique** or special, even though they may be viewed as creative works and very unique in other contexts.

Fair use is fair: to the creator of the work and to the work’s value

