

[Date]

To: [Name of Instructor/Department Head]

From: [Name of Legal Counsel/Copyright Officer]

Re: Fair Use Analysis for Coursepack Materials: [Course Name/Number]

Dear [Name],

This letter provides a formal legal opinion regarding the inclusion of copyrighted excerpts in the coursepack for the [Semester/Year] term. We have evaluated the requested materials based on the four factors of Fair Use under 17 U.S.C. § 107.

Description of Materials:

[List Title of Work, Author, and specific page numbers/percentage of work being used]

Factor 1: Purpose and Character of Use

The use is strictly for non-profit, educational purposes within a restricted classroom environment. The materials are intended to facilitate critical analysis and classroom discussion.

Factor 2: Nature of the Copyrighted Work

The work being used is [factual/creative] in nature. [If factual: Use of factual works weighs more heavily in favor of fair use than highly creative works.]

Factor 3: Amount and Substantiality of the Portion Used

The portion used consists of [Number] pages out of a total of [Number] pages. This constitutes approximately [Percentage]% of the work. This excerpt is limited to what is necessary to achieve the pedagogical goal and does not constitute the "heart" of the work.

Factor 4: Effect of the Use Upon the Potential Market

The use is restricted to enrolled students via [password-protected portal/physical copy]. Because the excerpt is a small portion of the original and is used for a specific educational timeframe, it is unlikely to serve as a substitute for the purchase of the full work or significantly harm the market value.

Conclusion:

Based on the cumulative weight of these factors, it is our opinion that the inclusion of these materials constitutes Fair Use. No formal permission or royalty payment is required at this time, provided the materials include a proper bibliographic citation and a notice of copyright.

Sincerely,

[Signature]

[Typed Name]

[Title/Organization]