Fair Use for Nonfiction Authors

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V. BEYOND FAIR USE
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If you still think that use of the copyrighted work is essential to your project, but your intended use doesn’t fit within the principles and limitations discussed in Section III, consider modifying your intended use to align with these principles and limitations. For example, you may find that using less of the copyrighted work, providing additional context for the work, or adding additional commentary to your text might
bring your use in line with the principles and limitations articulated in this guide.

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Law, Technology & Public Policy Clinic’s Is it in the Public Domain? handbook, Peter Hirtle’s Copyright Term and the Public Domain in the United States chart, or similar resources.

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**Caution**

According to the Supreme Court, only a “modicum of creativity” is required for creative expression to be considered “original” for the purposes of copyright protection. Therefore, even if a work only contains well-known facts, the way these facts are expressed...
might be sufficiently “original” to be protected by copyright.

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