URBAN OPEN SPACE DESIGN
FOR THE CHINESE FLOATING POPULATION COMMUNITY:
PLANNING AND SITE DESIGN GUIDELINES

Yanting Zhang

Thesis submitted to the faculty of the Virginia Polytechnic Institute and State University in
partial fulfillment of the requirements for the degree of

Master of Landscape Architecture

Terry Clements, Committee Chair
Wendy Jacobson
Brian Katen

May 3, 2011
Blacksburg, Virginia

Keywords:
Chinese Floating population community, urban open space, design guideline
Describe the **Purpose** and Character of Your Intended Use:

[+] Use is not-for-profit  
[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"  
[+] Use is socially beneficial (promotes the creation of new knowledge, learning, etc.) [define how]  
[+] Use is one-time, or is only occasional or spontaneous  
[+] Use is clearly defined and is restricted in scope (limited duration, not iterative, restricted access, etc.)  
[+] 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.
Describe the **Nature** of the Copyrighted Work:

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

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

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</thead>
<tbody>
<tr>
<td>If the entire work is to be used (which would NOT favor the use being fair), it is clear that no less than the entire work will achieve the stated purpose of the use (e.g. use of a photograph, a short poem, an article, etc.)</td>
<td>[ ]</td>
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<td>[ ]</td>
</tr>
<tr>
<td>The entire work, or the “heart” of the work, is used (the “heart” is the portion considered most central to the work as a whole)</td>
<td>[ ]</td>
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<td>[ ]</td>
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</tbody>
</table>

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

<table>
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<th>Unfair</th>
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<tbody>
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<td>The work is NOT currently under commercial exploitation (out of print, no licensing available, etc.)</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>A market for the work as it will be used is absent or is negligible &amp; use of the work will have little or no negative impact on its value or potential value</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>The copyright holder cannot be identified or cannot be found after a reasonable search, or, once found does not respond (one way or another) to requests for permission to use the work</td>
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<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>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)</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>
The Average "Fairness Level," Based on Your Rating of Each of the 4 Factors, Is:

[see tool disclaimer for important clarifying information]:

- [ ] Fair
- [✓]
- [ ]
- [ ]
- [ ]
- [ ]
- [ ]
- [ ]

Based on the information and justification I have provided above, I, Yanting Zhang, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

**Signature:** Yanting Zhang

**Date of Signature:**

*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.*
Name: Yanting Zhang
Job Title: MLA Student
Institution: Virginia Polytechnic Institute and State University
Title of Work Used: Bird’s eye-view of spontaneous settlement, Shanghai, China
Copyright Holder: Daniel
Publication Status: Unknown
Publisher:
Place of Publication:
Publication Year:
Description of Work:
Date of Evaluation: October 11, 2011
Date of Intended Use: October 11, 2011

Describe the Purpose and Character of Your Intended Use:

[+] 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

Fair | Unfair
---|---
[✓] |   |   |   |   |   |   |   |
Describe the **Nature** of the Copyrighted Work:

[+] Work to be used contains limited new knowledge, content, or creative expression (in relation to previously copyrighted works)
[+] 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

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

[+] If the entire work is to be used (which would NOT favor the use being fair), it is clear that no less than the entire work will achieve the stated purpose of the use (e.g. use of a photograph, a short poem, an article, etc.)

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[+] The work is NOT currently under commercial exploitation (out of print, no licensing available, etc.)
[+] 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 copyright holder cannot be identified or cannot be found after a reasonable search, or, once found does not respond (one way or another) to requests for permission to use the work
[+] 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)
The Average "Fairness Level," Based on Your Rating of Each of the 4 Factors, Is:
[see tool disclaimer for important clarifying information]:

Fair  Unfair

Based on the information and justification I have provided above, I, Yanting Zhang, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature: Yanting Zhang
Date of Signature: ______________________________

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Name: Yanting Zhang
Job Title: MLA Student
Institution: Virginia Polytechnic Institute and State University
Title of Work Used: The narrow street inside spontaneous settlement
Copyright Holder: Information Times
Publication Status: Published
Publisher: Information Times
Place of Publication: XinHuan Net: http://news.xinhuanet.com/house/2008-01/14/content_7418211.htm
Publication Year: 2011
Description of Work:
Date of Evaluation: October 11, 2011
Date of Intended Use: October 11, 2011

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- [+] Work to be used has been previously PUBLISHED
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The Average **Fairness Level,** Based on Your Rating of Each of the 4 Factors, Is:

![Rating Scale]
Based on the information and justification I have provided above, I, Yanting Zhang, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature: ____________________________  
Yanting Zhang  

Date of Signature: ____________________________

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Name: Yanting Zhang
Job Title: MLA Student
Institution: Virginia Polytechnic Institute and State University
Title of Work Used: Plan of government controlled settlement, Shanghai
Copyright Holder: Luo Renchao, Wang De
Publication Status: Published
Publisher: Urban Planning Forun
Place of Publication: 
Publication Year: 2008
Description of Work: 
Date of Evaluation: October 11, 2011
Date of Intended Use: October 11, 2011

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

[+] Use is for “criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research”
[+] Use is socially beneficial (promotes the creation of new knowledge, learning, etc.) [define how]
[+] Use is not-for-profit
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[+] The work is NOT currently under commercial exploitation (out of print, no licensing available, etc.)
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[+] The copyright holder cannot be identified or cannot be found after a reasonable search, or, once found does not respond (one way or another) to requests for permission to use the work
[+] 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)
[+] Use of the work has the potential to create or improve the market for the work
[+] The copy of the work to be used is a legal copy
[+] Proper attribution will be given with the intended use
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, Yanting Zhang, am asserting this use is FAIR under Section 107 of the U.S. Copyright Code.

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Date of Signature: ________________

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Name: Yanting Zhang
Job Title: MLA Student
Institution: Virginia Polytechnic Institute and State University
Title of Work Used: Streets of government-sponsored settlement
Copyright Holder: New House
Publication Status: Unknown
Publisher: New House: http://newhouse.nc.soufun.com/photo/d_other_9888759.htm
Place of Publication:
Publication Year: 2011
Description of Work:
Date of Evaluation: October 11, 2011
Date of Intended Use: October 11, 2011

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

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"
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![Fair Use Evaluation Documentation](http://librarycopyright.net/fairuse/)
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[-] The entire work, or the “heart” of the work, is used (the “heart” is 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.)

[+] If the entire work is to be used (which would NOT favor the use being fair), it is clear that no less than the entire work will achieve the stated purpose of the use (e.g. use of a photograph, a short poem, an article, etc.)

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