

Fair Use Fundamentals



**fair use
week**

Copyright law is a carefully balanced system meant to encourage creativity as well as cultural and scientific progress. The law encourages authors by giving them limited control over certain uses of their works, and it encourages everyone (including authors) to use existing cultural and scientific material without permission, under certain circumstances, to engage in a wide variety of vital activities. Many parts of the law favor the freedom to use culture, but by far and away the most flexible, powerful, and universal user's right is fair use. As you'll see below, fair use is a right, fair use is vitally important, fair use is for everyone, and fair uses are everywhere.

Fair Use is a Right



Some people think fair use is a minor exception or a marginal carve-out from the expansive protection for authors, but **fair use is a fundamental right.**



JUSTICE RUTH BADER GINSBURG

the notorious r.b.g.

Thanks to Justice Ruth Bader Ginsburg, the Supreme Court said fair use is a **"First Amendment Safeguard"**.



Like the First Amendment itself, fair use is **broad, flexible, and responsive to change**. That's why fair use supports the constitutional purpose of copyright: to **"promote the progress of science and the useful arts"**.

Fair Use is Vitally Important

to the economy

Experts estimate that industries reliant on fair use contributed \$2.4 trillion to the U.S. economy in 2008-2009, or approximately 17 percent of the US GDP.¹ In comparison:



to innovation

Fair use enables new technologies and advancements, including new products like DVRs and search engines.



to creativity

Without fair use, there would be no parody, no critique and commentary, no transformative mash-ups, and no homage or pastiche.



to scholarship

Imagine trying to prove your brilliant theory about Ernest Hemingway without quoting Hemingway?



¹ CCA, Fair Use in the US Economy, http://www.cca-net.org/help_content/uploads/Library/CCA_FairUseintheUSEconomy-2011.pdf

² US BSA Statistics, http://www.bsa.gov/industry/globalind_data.htm

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N Colangelo



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