FAIR USE DECODED

WHAT IS FAIR USE?

Fair use allows for the sampling/copying of copyrighted material that is done for a limited and "transformative" purpose. It can be done without permission from or payment to the copyright owner. In other words, fair use is a defense against a claim of copyright infringement. If your use qualifies as a fair use, then it would not be considered an infringement.

To determine fair use, the courts may consider a number of variables including the purpose and character of the use, the nature of the copyrighted work (creative or factual), the amount and substantiality of the use, and the economic impact of the use on the original work (in other words, is the use impacting the original’s market value?).

FAQS

What does “transformative” purpose mean?
WARNING: If you are looking for a concrete, black, or white answer to question, it doesn’t exist. It’s actually one of the things that can make fair use so tricky. The judges and lawmakers who created and shaped the fair use exception did not want to limit its definition. It is meant to have an expansive meaning that could be open to interpretation. With that said...

A transformative purpose adds something new, with a further purpose or different character, and does not substitute for the original use of the work.

What are possible examples of a fair use?

- A vlog post providing social commentary on a movie or TV show, which includes snippets from the show along with commentary from the vlogger.
- A teacher includes paragraphs from a book in his lesson for educational purposes.
- Your favorite rapper samples and edits a line from another song in such a way that the original meaning of the line is transformed.