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UFO UpDates Mailing List

Re: Copyright & 'Fair Use'

From: Greg Sandow <gsandow@prodigy.net>
Date: Thu, 06 Feb 1997 14:42:49 -0500
Fwd Date: Thu, 06 Feb 1997 20:29:11 -0500
Subject: Re: Copyright & 'Fair Use'

Hmmm. On the question of "fair use," the legal doctrine that grants certain exemptions from copyright, Bob Shell writes:

> I asked some legal
> friends to do a little digging for me. It seems quite
> clear from recent rulings that the Fair Use exemption is
> only applicable to non profit entities, and not to any
> for profit business.

[details of court case snipped]

Well, in one way Fair Use is clearly applicable to for-profit businesses. The New York Times (a for-profit enterprise) routinely quotes excerpts from books in its Sunday book review, and in news stories.

Nor have I ever hesitated to do that, anywhere that I've ever written. Even in a critical essay not about a book, I've felt free to quote, and nobody ever told me not to. If I was writing about Beethoven, I wouldn't hesitate to quote from copyrighted books or articles about him. In a recent essay on abductions, I felt free to quote from Budd Hopkins, and from copyrighted papers in psychology journals.

The court case Bob cites covered a very specific instance -- a company that had reprinted excerpts from books used in college courses, and put the excerpts on sale.

As Bob writes,

>The ruling against the company clearly says
> that the deciding factor was that the company is a
> for-profit enterprise. The court skirted making a broader
> ruling by stating "As to the proposition that it would
> be fair use for the students or professors to make their
> own copies, the issue is by no means free from doubt."

Point taken, but this is a specialized situation, and a clear copyright violation. The company in question was making money from the book excerpts themselves, not from a book or essay or video that briefly quoted the books. It's far from the situation when a TV news program shows an excerpt from a video that has been made public, either by being put on sale or by being itself shown on TV. As I've said earlier, when I worked at Entertainment Weekly we didn't hesitate to use clips from videos in the magazine, even if we had to tape them off TV.

Greg Sandow

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