

**Indiana University**

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**From the Selected Works of Shawn Martin**

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## Fair Use Exercise

Shawn Martin



Available at: <https://works.bepress.com/shawnmar/37/>

## Is this legal/a fair use?

*Harper & Row v. Nation Enters.*, 471 U.S. 539 (1985).

*The Nation Magazine* published a review of Gerald Ford's autobiography *A Time to Heal* in which they copied verbatim approximately 300-400 words (out of over 400 pages) relating to the pardoning of Richard Nixon. Harper & Row, the publisher, sued and the *Nation* claimed fair use. Is it a fair use?

*Video-Cinema Films, Inc. v. Lloyd E. Rigler-Lawrence E. Deutsch Found.*, 2005 U.S. Dist. LEXIS 26302 (S.D. N.Y. 2005)

A non-profit foundation created a film called "Classic Arts Showcase" meant for PBS and other educational television stations. They used 85 seconds of a five minute clip of a famous opera singer in this film. Is this a fair use?

*Roy Export Co. Estab. of Vaduz v. Columbia Broadcasting Sys., Inc.*, 672 F.2d 1095, 1100 (2d Cir. 1982)

A television news program used 15 seconds of a 72 minute film in a news report about the death of Charlie Chaplin. Is this a fair use?

*Kelly v. Arriba Soft*

A software company used its search engine to display thumbnail images from a subscription image service and display those images freely over the internet. Is this a fair use?

*Castle Rock Entertainment, Inc. v. Carol Publ. Group*, 150 F.3d 132 (2d Cir. 1998)

A Publisher created a Trivia guide about the *Seinfeld* television series which included direct quotations from several episodes. Is this a fair use?

*Blanch v. Koons*, 2005 U.S. Dist. LEXIS 26299 (S.D.N.Y. 2005)

Jeff Koons, an artist used portions of a fashion photo in a painting, "Niagara." The painting included a montage of popular culture images spread over a Dali-like landscape. Is this a fair use?