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CSCI 330.01

April 9<sup>th</sup>, 2024

### The Ethical and Legal aspects of Memes

Memes have become a cornerstone of modern society. Memes are defined by Merriam-Webster Dictionary as, “An idea, behavior, style, or usage that spreads from person to person within a culture” (meme). Memes have become so widespread that a single meme could capture the world’s attention and be all that is talked about for days. While memes are generally used for good, the widespread nature of memes could allow memes of evil attention to dominate public thought. Copyright infringement is also a worry for those who make memes. Throughout the paper, we will discuss the legal and ethical aspects of creating and sharing memes.

The legality of memes is a major concern in the modern world. Since many memes use the face and likeness of people, it is a legitimate concern how legal meme are. The Doctrine of Fair Use states that the purpose of the use, the amount of the work used, the effects on the market, and the nature of the copyright determine if a work is available for anyone to use (Ebube). Most memes, especially those of movies or shows, fall under fair use because of the nature of the meme. The one area of concern comes from using memes for monetary profit. In 2013, Warner Brothers used the popular “Nyan Cat” meme in their game “Scribblenauts”. The original owner of the meme won a lawsuit against Warner Brothers because of the monetary gain from the work (Syckle). From the

legal standpoint, most memes fall under Fair Use, but each individual case would need to be evaluated.

There is a question on if meme creators making memes based on people they do not know, especially with worry of slander. The main thing to consider with this topic is the reason behind the meme. Proverbs 17:5 warns, “Whoever mocks the poor insults his Maker; he who is glad at calamity will not go unpunished” (ESV). Memes are another expression of free speech; therefore, memes can also be twisted to do evil such as slander. There can be legal consequence by taking things to far. Kyle Rittenhouse used self-defense in a 2020 riot, and memes from the incident shaped the public conscious against him. He was acquitted of the charges, but his life will never be the same because of the memes.

The final question to answer is if any guidelines should be instituted for creating memes. The only guidelines that should be enacted for memes is moral guidelines. We cannot restrict freedom of speech unless it is dire circumstances. The only guide that can be used is the morality of the meme creator, especially in the private sector. The commercial sector, especially with profit on the mind, should be wary about using likeness of others without permission. No matter who is creating the meme, the question of “why?” needs to be answered. If the intention is good, then it should not be a problem to create and distribute memes. If it is evil, then complications may arise in the future.

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