**INTELLECTUAL PROPERTY CRIMES**

The piracy or counterfeiting of goods such as digital media, luxury fashions, pharmaceuticals, electronic goods, and other manufactured goods. For organized criminals, the crime can be highly profitable and only a small investment is necessary in many cases. Intellectual property crime occurs on a global scale making it more difficult for authorities to contain and prosecute. Advances in current technologies make it much easier for production and manufacturing of 'knock-off' products and the quality is good enough to make it difficult for consumers to tell the difference.

**Infringment**

Infringement of a trademark, trade name, or trade dress involves use of one by the infringer that is the same as that of the owner or so similar that it is likely to deceive or to cause confusion or mistake on the part of the average purchaser. Infringement of a copyright involves the copying of a material and substantial portion of the protected work. If the alleged infringer denies copying, the copyright holder may be able to prove infringement with circumstantial evidence of the infringer's access to the protected work and of similarities between the two works.

**First Sale Doctrine**

A legal principle that limits a [rightsholder's](https://www.webopedia.com/TERM/R/rightsholder.html) [rights](https://www.webopedia.com/TERM/R/right.html) to control content after it has been sold for the first time. According to first sale doctrine, lawful ownership of an item, such as a music CD or a book, is not the same as owning the [copyright](https://www.webopedia.com/TERM/C/copyright.html) of the item. The owner of the item may lend, resell, give away and or/destroy the copyrighted item but is not granted the right to copy the item in its entirety. The transfer of the copy does not include the transfer of the content's copyright. The legal principle applies to physical items as well as digital content that is [downloaded](https://www.webopedia.com/TERM/D/download.html) over the [Internet](https://www.webopedia.com/TERM/I/Internet.html). **Fair Use Doctrine**

In its most general sense, a fair use is any copying of copyrighted material done for a limited and “transformative” purpose, such as to comment upon, criticize, or parody a copyrighted work. Such uses can be done without permission from 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.

So what is a “transformative” use? If this definition seems ambiguous or vague, be aware that millions of dollars in legal fees have been spent attempting to define what qualifies as a fair use. There are no hard-and-fast rules, only general guidelines and varied court decisions, because the judges and lawmakers who created the fair use exception did not want to limit its definition. Like free speech, they wanted it to have an expansive meaning that could be open to interpretation.

Most fair use analysis falls into two categories: (1) commentary and criticism, or (2) parody.

**Commentary and Criticism**

If you are commenting upon or critiquing a copyrighted work—for instance, writing a book review—fair use principles allow you to reproduce some of the work to achieve your purposes. Some examples of commentary and criticism include:

* quoting a few lines from a Bob Dylan song in a music review
* summarizing and quoting from a medical article on prostate cancer in a news report
* copying a few paragraphs from a news article for use by a teacher or student in a lesson, or
* copying a portion of a *Sports Illustrated* magazine article for use in a related court case.

The underlying rationale of this rule is that the public reaps benefits from your review, which is enhanced by including some of the copyrighted material. Additional examples of commentary or criticism are provided in the examples of fair use cases.

**Parody**

A parody is a work that ridicules another, usually well-known work, by imitating it in a comic way. Judges understand that, by its nature, parody demands some taking from the original work being parodied. Unlike other forms of fair use, a fairly extensive use of the original work is permitted in a parody in order to “conjure up” the original.