**Homework 2­­ ­­­- Fair Use Doctrine *(25 points)***

This second Homework assignment is intended to be done as a collaborative, team-based exercise that will reinforce your understanding of copyrights and applying principles of *Fair Use Doctrine*. Consider the case below, with these guidelines:

* Break into teams of 3-4 students and get together to discuss this assignment with your assigned group
* Next, team members should discuss each of the four Fair Use guidelines below and apply it to the case
* ­­Be sure to thoroughly document your response for each of the four parts in the space provided, noting for each whether a U.S. court of law is likely to decide in favor of Fair Use (“For”) or not (“Against”)
* Justify your position for each of the “tests” of Fair Use; Explain your rationale; include any assumptions
* Review all responses, circle the team decision, and names of team members (if any) - submit document

*A political group organized a forum on its Web site to encourage people to post and comment on individual newspaper articles relevant to political issues of concern to the group. Other participants add their comments or opinions, and then debate/discuss the articles. Two newspapers subsequently sued, arguing that posting complete articles or even excerpts violated their copyrights. Analyze this case and explain how you would apply (For or Against) each* [*Fair Use Factor*](http://fairuse.stanford.edu/overview/fair-use/four-factors/) *below.*

* Purpose of the use (commercial vs. non-profit use) - education, research, news, critiques?

**The purpose of the use was non-profit with regards to monetary value. The political group may have used information from the articles in order to profit or benefit politically, but otherwise the use was non-commercial and non-profit. The group used these news articles for research and critiques of political issues. Users were able to leave comments about the article. The purpose of using the articles was also to educate the forum’s members about important political updates that are relevant to their cause. The users have a right to freedom of speech and freedom of assembly that allows them to discuss political issues in a public setting. Regarding the purpose of the use, we assume that the political group is not charging their users to view the articles, and therefore, the articles are being used solely for informational and discussion purposes. We also assume that the political group hosting the forum is not a company or business, and therefore the use of the articles is not commercial use. Since the purpose of using the articles on the political forum was solely non-profit and used to educate their user base, we believe a U.S. court of law would rule *in favor of Fair Use (or “For” Fair Use).***

* Nature of the copyrighted work - creative vs. informational works?

**The nature of the work was more informational than creative. While the authors and editors of news articles had some creative expression in producing their work, they are mostly presenting factual information as news in their writings. The political forum used these articles because they wanted to provide their readers with discussion and allowing alternate viewpoints to be heard in order to make a more informed decision about their stance. We assume the users of the political forum were not critiquing the actual authors or the newspapers that published the articles, but instead they were using the content and information for their political discussions. In order for these points to be valid, we assume that the content of the articles was not fictional or story-based, but based on real information and data. This means that the authors were not writing creative pieces, they were mostly reporting news. Because the articles were informational and not creative writing pieces, we believe a U.S. court of law would rule *in favor of Fair Use* due to the factual nature of the works.**

* Portion of the copyrighted work used?

**Even though the political forum often used most or all of the articles, it was necessary to use the entire portion. To prevent the forum from being unbiased or misinterpreting the information in the articles and in order to reveal all relevant facts about candidates, political issues, etc., the forum needed to post the articles in entirety. If they had only posted a small quote from the article, they may be accused of seeming biased or taking things out of context. As far as the portion issue of the article is concerned, we assume they cited the articles and gave credit to the authors and publishers. We assume the forum did not plagiarize content or claim rights to articles written by other people. As long as the articles were cited and the forum users needed to use the entire portion for better context of the topic, we believe a U.S. court of law would decide *in favor of Fair Use.* The use of the content with regards to portion was justified.**

* Effect of use upon the value of the copyrighted work?

**We believe there was no negative effect on the value of the articles because the authors and publishers were not the topic of debate in the forums. Only the relevant content and facts within the articles were critiqued and commented on, therefore, the users on the forum did not devalue the work. Overall, the criticism of political leaders or issues discussed within the articles will not reduce traffic or sales toward these articles. If anything, the added visibility will increase the volume of people reading these articles and actually benefit the authors and publishers. Basically, by including these articles within their forum website, the political group is giving the authors of the articles somewhat of a free advertisement towards their content. To come to this conclusion, we assume that the forum users are not bashing the authors or publishers of the articles; they are simply commenting on the information provided as it relates to their political agenda. Since no harm is done to the publishers or authors, we believe a U.S. court of law would rule *in favor of Fair Use.***

Who should win this case in a U.S. court of law? *Newspaper* (or) *Political Group* (highlight either one)

Team members: Jessica Hoffman, Mariah Skeeters, Grant Holloway, Felisha Stanley, Aaron Timberlake