**Info on Copyright**

Using movie screenshots for personal and private use is a common practice these days. You can easily find a screen grab of your desired movie on online search engines, save it on your device and use it the way you want. But there is a blurred line on **copyright infringement** and fair use of such images. Courts are not able to set clear lines of fair use because some creative works can be infringed for promotional purposes and the doctrine cannot be applied consistently. The issue is very flexible and can be an extremely unsettling area of law. This leaves an unclear field to ponder over fair use of movie screenshots.

Note on screenshots: **screenshots or screen grabs** are when you take save the image displayed on a screen, whether from a smartphone, tablet, computer or any other device. These can simply be images of your OS menu, but if you are playing a movie on such a device, you can also take a screenshot and have an image of one of the frames of the movie or film.

**Copyright Violation of Movie Screen Grabs**

First of all, you should understand the difference between **copyright violation** and **plagiarism**. When you use a movie’s screen grab and claim it was taken by yourself, then it is called plagiarism. [Plagiarism](https://education.onehowto.com/article/how-to-write-a-bibliography-basic-rules-10811.html) is when you take the idea or creation of somebody else and pass it off as your own.

On the other hand, copyright infringement is when you take an idea or creation of somebody else and use it without their **permission**. The difference between the two can be difficult to figure out. As a result, fair use is basically determined as per individual situation on a case-by-case basis. In the case of using a movie screenshot, even if you are using a screen grab from an open-source, if someone owns the copyright, it may or may not be interpreted as fair use.

**Definition of Fair Use**

‘**Fair Use**’ applies when you grant exclusive right of a screen grab to the owner of the image. According to law, it is not illegal to use a movie screenshot without getting permission from its owner, but with certain limitations. You are allowed use them for a variety of purposes, such as teaching, news reporting, criticism, commentary, scholarship, library archiving, parody, etc.

Any screenshot can be incorporated into an author’s work under the 4-factor balancing test. Fair use is applicable only on copyrighted screenshots. As a general rule, any screenshot that is not copyrighted can be used in the **public domain**. In order to identify fair usage of a copyrighted [movie](https://education.onehowto.com/article/types-of-figures-of-speech-with-examples-from-literature-and-cinema-1686.html) screenshot, you need to evaluate it under 4-factor balancing test.

The four factors that need to be considered are:

1. Character and purpose of using the screenshot
2. Nature of the screen grab with copyright
3. The amount of the copyrighted portion used
4. The effects of using the screenshot on potential market

Copyright laws are stringent if you are using the screen grab for a **commercial purpose**, but are generally lenient if you are using it for non-profit or for [educational reasons](https://education.onehowto.com/article/how-to-educate-children-with-toys-11568.html).

One How To.com <https://education.onehowto.com/article/are-movie-screenshots-copyrighted-12627.html>

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US Copyright Act 1976, Section 107, says, in part:

... the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.

In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

Links to various articles on the subject below.

[Tiny Take](https://tinytake.com/screen-capture-copyright-violation-or-fair-use/)

[Steve Hoffman Music Forums](<https://forums.stevehoffman.tv/threads/screen-captures-of-films-television-shows-copyright-issue.141973/>)

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