Kwai (Jenny) Chan

Student ID:37155400

Course: CIS133DA

Lesson 2: Essay

Essay Topic

**Define fair use and describe how hair use relates to plagiarism.**

In Today’s digital world, understanding copyright and fair use is essential for students, educators, and content creators. Fair use is legal doctrine that allows limited use of copyrighted material without obtaining permission from the copyright holder. It plays a critical role in education, journalism, research and creative expression. However, fair use is often misunderstood and sometimes confused with plagiarism. While both involve the use of someone else’s work, they are fundamentally different in purpose and consequence. This essay defines fair use, explores how it relates to plagiarism, and outlines the four keys used to determine whether a use qualifies as fair.

**List and explain the factors used in determining fair use.**

Fair use is legal exception to copyright law that permits the use of copyrighted materials for specific purposes such as criticism, commentary, news reporting, teaching , scholarship, ore research (U.S copyright Office,2025) For example, quoting a few lines from a book in a classroom discussion or using a short video clip in a student presentation may fall under fair use. This goal is to balance the rights of creators with the public’s right to access and build upon existing knowledge.

Plagiarism, on the other hand, is an ethical violation that involves presenting someone else's work or ideas as your own without proper attribution. Even if a use qualifies as fair under copyright law, failing to cite the source can still e considered plagiarism (College, 2025). In academic setting, fair use allows limited use of copyrighted content, but proper citation is always req to maintain academic integrity.

**The Four Factors of Fair Use**

Determining whether a particular use qualifies as fair involves analyzing four factors outlined in Section 107 of the U.S. Copyright Act:

**Purpose and Character of the Use**

This factor considers whether the use is for commercial or nonprofit educational purposes. Uses that are transformative-meaning add new meaning, or purpose- are more likely to be considered fair (Office, 2025).

**Nature of the Copyrighted Work**

This factor looks at whether the original work is more factual or creative. Using factual or published works is more likely to be fair than using highly creative or unpublished material (Stanford University, 2025).

**Amount and Substantiality of the Portion Used.**

Courts evaluate both the quantity and quality of the material used. Using a small, non-central portion of a work supports fair use, while using the “heart” of the work may weigh against it (Stim, 2023)

**Effect on the Market Value of the original Work**

If the use could replace the original work or harm its market potential, it is less likely to be considered fair. This factor is often seen as the most important in court decisions (Office, 2025)

**Conclusion**

Fair use is a vital concept that supports education, creativity, and free expression. It allows limited use of copyrighted material under specific conditions, but it does not excuse plagiarism. Understanding the difference between legal use and ethical responsibility is essential for anymore working with content. By applying the four fair use factors and always citing sources properly, students and professionals can respect both the law and academic integrity.

References

Montgomery College. (2025). *Module 2: Copyright, Fair Use and Plagiarism in the* *Digital Age*. Montgomery College Pressbooks. <https://pressbook.montgomerycollege.edu/aiethics/charpter/module-2-copyright-fair-use-and-plagiarism-in-the-digital-age/>

U.S. Copyright Office. (2025). *Fair Use Index*. <https://www.copyright-gov/fair-use/>

Stim,R. (2023). *The ‘Fair Use’ Rule: When use of copyrighted materials is* *acceptable*. Nolo. [https://www.nolo.com/legal-encyclopedia/fair-use-rule-copyright-material -30100.html](https://www.nolo.com/legal-encyclopedia/fair-use-rule-copyright-material%20-30100.html)