A Cultural Theory of Copyright

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Justice Blackmun, dissenting

“The situations in which fair use is most commonly recognized are listed in section 107 itself; fair use may be found when a work is used ‘for purposes such as criticism, comment, news reporting, teaching, . . . scholarship, or research.’ ... Each of these uses ... reflects a common theme: each is a productive use, resulting in some added benefit to the public beyond that produced by the first author’s work. The fair use doctrine, in other words, permits works to be used for ‘socially laudable purposes.’ I am aware of no case in which the reproduction of a copyrighted work for the sole benefit of the user has been held to be fair use.”
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