# Combating Music Piracy: The Recording Industry's Legal Pursuit of Online Copyright Infringers

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## Introduction

Physical music sales, mostly in CD form, peaked in 1999 but declined 30% by 2006 due to the increased use of digital music. In 2006 alone, physical music sales dropped 13% and digital music sales increased 75% (Brittain, 2007). The recording industry identified "music piracy" as the cause for declining sales and lower profits; illegal music downloading jeopardizes the industry's existence, and it has struggled to combat the practice. The recording industry succeeded in legally compelling the demise of Napster, a music sharing network that was its first great threat in the digital era, but the emergence of more sophisticated file sharing networks tempered its success. These new networks are so decentralized that there is no legal entity to sue, so the recording industry began prosecuting individual users with illegal music on their hard drives. Suing individuals is inefficient and fails as a deterrent. Because the chance of detection and prosecution by the recording industry is so slim, users consider the benefits of a large, free music selection greater than the risks and continue to download illegally. The situation is deteriorating for the recording industry; estimates suggest that the number of songs shared on peer-to-peer networks range from one billion to 1.7 billion every month (Webb, 2007). The recording industry's website estimates that music piracy causes the following losses each year: "$12.5 billion in economic losses, 71,060 U.S. jobs, $2.7 billion in workers' earnings, and $422 million in tax revenues" (2008). The recording industry must devise an effective method to halt illegal music downloading or the practice will continue to undermine and endanger the entire industry.

Congress enacted legislation to address music piracy in the digital era, but the legislation is not strictly enforced. The recording industry has had to assume the burden

of detecting and pursuing punishment for people who download music illegally. The recording industry lobbied Congress to enact harsher legislation to serve as a deterrent, but Congress, in turn, encouraged universities to take charge in preventing illegal music downloads because many cases of copyright infringement occur on their campus networks.

This paper will consider copyright law, its application to digital copyright infringement, proposed changes to existing law, and the likelihood of Congress acting on this matter. Congressional ability to effectively regulate online music downloading is dubious, and the recording industry will likely restructure due to the effects of music piracy.

## Background Information

Peer-to-peer file sharing networks operate when Internet users download the network's file sharing program to their computers. Users can then search for, download, and share music, digitized in an MP3 format, on the hard drives of other people who have downloaded the same file sharing program. MP3s are compressed versions of large audio files that maintain a song's sound quality (Hentoff, 2008). People place music on their hard drives when they copy songs from CDs onto their computers. The computer automatically converts the CD song into an MP3 format. When a user selects which song he wishes to download, the peer-to-peer file sharing networks make a connection between his computer and the hard drive of someone else on the network that has the song. Users with the same file sharing program can share songs when both have Internet connections. The music file is then transferred directly from computer to computer

(Dossick & Halberstadter, 2001). In most instances, users access music without paying for the song, a violation of copyright laws.

Napster was the first major peer-to-peer file sharing network that began in June 1999 after its creation by a college student with the intention of sharing music with his roommate (Hentoff, 2008). The Recording Industry Association of America (RIAA) filed a lawsuit against Napster in December 1999 for Napter's facilitation of "widespread, systematic copyright infringement" (Dossick & Halberstadter 2001). The documents filed by the RIAA state that each second, Napster linked 100 different users who share 10,000 MP3 files. The Ninth Circuit court found that Napster infringed on a copyright holder's right to distribute and reproduce his work (Dossick & Halberstadter, 2001). Napster was unable to comply with the court's order to obey copyright laws, so it ceased operating in July 2001 (Hentoff, 2008).

Peer-to-peer file sharing networks evolved since Napster, making it more difficult for the RIAA to prevent illegal music transfers. Napster required that all MP3 files be stored on its server, directly implicating Napster as a facilitator of copyright infringement. More recent peer-to-peer file sharing networks do not allow users to store MP3 files on the networks; instead, users store the music files only on their own computers. File sharing networks' involvement is limited only to permitting users to download a program that allows them to search music on other users' computers. This system is so decentralized that the RIAA struggles to find a "central body" to sue (Hentoff, 2008).

One peer-to-peer file sharing network that supplanted Napster was Grokster. In order to combat the decentralization, the RIAA sought to sue the marketing of peer-to-

peer networks as inciting copyright infringement. In 2005, the Supreme Court ruled against Grokster in *MGM Studios, Inc. v. Grokster, Ltd.* The plaintiffs argued that peer-to-peer file sharing networks should be held accountable if their users committed copyright infringement. The Court decided that "one who distributes a device with the object of promoting its use to infringe copyright, as shown by clear expression or other affirmative steps taken to foster infringement, is liable for the resulting acts of infringement by third parties" (*MGM Studios, Inc. v. Grokster, Ltd.*, 2005). Limewire is the latest and most popular peer-to-peer file sharing network, but its distributors fear a lawsuit similar to the one that closed Grokster. To prevent this, Limewire requires its users to confirm that they do not intend to use the program to commit copyright infringement before they may download it (Limewire 2008).

There are legal options for people who want to download music. For example, users pay ninety-nine cents to download a song on iTunes by Apple, and this fee is used to compensate copyright holders. iTunes offers over six million songs, but illegal peer-to-peer file sharing networks offer more, and many people prefer to continue obtaining music free instead of paying the minimal fee (Hentoff, 2008).

Instead of suing the peer-to-peer file sharing networks, the RIAA sues individual users, especially college students. A unique code is embedded on each song, and when users share music, the code appears on their hard drives. If the hard drive is connected to an Internet network, record companies can scan the computer to see which codes appear. They know that music files have been shared if the same codes appear on more than one computer (Wacholtz, 2008). It is easiest to scan networks on college campuses, so most of the individuals sued have been college students.

Suing individuals leaves both the recording industry and music listeners dissatisfied. Suing individual offenders is inefficient and costly for the RIAA. The RIAA asserts that each illegally obtained song warrants a fine of $750. The RIAA grants the accused 20 days to pay the fine before it takes the case to court, where the downloader faces the potential of paying a significantly larger fee. Of the 28,000 lawsuits filed, no person sued has had to pay the full fee and only one person has taken the case to trial. Most people do not actually pay $750 per song but settle with the RIAA for about $4,000 in total compensation (Butler, 2008). The settlements fund the RIAA's anti-piracy efforts and are not paid to copyright holders, the stakeholders who originally lost money in the transgression (Cridlin, 2007).

Research shows that college students illegally download 65% of their music (Brittain 2007). Congress asked universities to do more to crack down on music piracy, and many schools implemented programs that scan for illegal music and shut down the violator's Internet. They have also created legal music sharing programs for students on their networks; these forums are similar to peer-to-peer file sharing networks but students pay a fee in advance, akin to an activity fee, which the university uses to fund the program and reimburse copyright holders. Currently, the RIAA cannot sue universities if their students illegally download music on the campus networks due to an immunity clause in 1998's Digital Millennium Copyright Act. Congress threatened to reverse this clause, seeing the need to force universities to monitor illegal activity and implement the music downloading laws on their campuses (Brittain, 2007).

The threat of paying a fine or facing a lawsuit brought by the RIAA does not deter people from downloading illegal music. So few people are sued that users believe the

benefits outweigh the risks, and they continue to obtain illegal music. The RIAA began suing individuals in 2003; in that year, 20% of Internet users downloaded illegal music. Five years into this "litigation campaign," 19% of Internet users engage in music piracy (Butler, 2008). Clearly, the RIAA's current strategy fails as a deterrent. The lawsuit against Napster and the ineffectiveness of individual lawsuits has manifested the inadequacy of existing copyright laws in the digital era. Congress must now consider amending the laws or maintaining the status quo; that is, allowing the RIAA to continue enforcing the law with legal action.

## Existing Legislation

The US Constitution states that the intent of copyright law is "to promote the Progress of Science and the useful Arts" (U.S. Constitution). The first copyright law in 1790 gave the owner control of the work for 14 years. The copyright law was periodically amended to grant copyright holders a lengthened period of control over their works. The passage of the Sonny Bono Act in 1976 granted copyright holders control for the entirety of their lives plus 70 years (Hentoff, 2008).

Each song contains two copyrights; the first is the composition and the second is the sound recording. In 1909, Congress nullified *White v. Smith*, a Supreme Court case that found that perforated rolls used in player pianos were not instances of copyright infringement, by creating Section 115 of the Copyright Act that gave copyright holders control over mechanical reproduction of their work. The new law also required piano roll manufacturers to obtain a license from the copyright holder for the right to duplicate the work. To address the changing technology, Congress enacted the Digital Performance Right in Sound Recordings of 1995, which amended Section 115 to mandate that people

and organizations had to acquire licenses from copyright holders before distributing their work on the Internet (Hentoff, 2008).

Section 115 of the Copyright Act is central to legislation pertaining to Internet music downloads because it addresses licensing for song reproduction and distribution. Section 115 established a compulsory licensing system. Once the copyright owner created the first mechanical reproduction, the "copyright owner was compelled to license her work to whoever met the requirements of the license" (Mitchell, 2007). The process of "notice and reporting requirements" to obtain a license is lengthy and inefficient. Obtaining a license requires the prospective music provider to identify the copyright holder to request the license or pay $12 to the Copyright Office to "file an intent to use" (Mitchell, 2007). The complete process of procuring a license is as follows: the person or organization wishing the song must "file a notice of intent with the copyright owner, pay a statutory rate, and refrain from changing the fundamental character of the work" (Mitchell, 2007). This time-consuming process cripples legal online music providers' ability to secure licenses to distribute the same amount of songs as illegal providers.

In 1994, the case against David LaMacchia, an MIT student accused of copyright infringement for sharing software on the Internet, was dismissed because he shared the software without financial gain. An earlier Supreme Court decision set the precedent that an individual was not liable for copyright infringement if there was no commercial gain. Congress enacted No Electronic Theft (NET) Act in 1997 to render the "LaMacchia loophole" void (Cohen, Loren, Okediji, & O'Rourke, 2008). The NET Act states that purposefully committing acts of copyright infringement by electronic means is a criminal

offense. Copyright infringement is a crime even if the person does not benefit financially from the act (No Electronic Theft Act, 1997).

The Digital Millennium Copyright Act (DMCA) of 1998 implements two World Intellectual Property Organization (WIPO) treaties. Both treaties require the application of the "most favored nation" principle to copyright protection for all work created by citizens of other countries that has not yet fallen into the public domain in the author's home country. The DMCA disallows technology that facilitates the distribution of copyrighted material by circumventing the people with control of the copyright. Also, the DMCA protects Internet Service Providers from liability in copyright infringement lawsuits if they meet the following criteria: 1) make efforts to prevent copyright infringement and shut off a person's Internet when the user continues to violate copyright laws; 2) not impede the methods copyright holders employ to "identify and protect copyrighted works" (Digital Millennium Copyright Act, 1998).

## Stakeholders

The RIAA has a substantial stake in combating music piracy. The industry as it exists today depends upon the cessation of illegal music downloads. CD sales have plummeted in recent years and that loss of revenue has not been supplanted by people buying digital music. Collecting compensation from legal online music providers will mitigate these losses but not completely offset them. Should the RIAA fail to defeat music piracy, as appears likely, the industry will have to restructure. The scope of it will certainly diminish and employ fewer people.

The two major stakeholders seeking alterations to Section 115 of the Copyright Reform Act or the creation of new legislation pertaining to digital music reproduction are

the RIAA and online music providers; their goals are related (Mitchell, 2007). The RIAA's chief concern is eliminating illegal music downloading, and its goal is to develop a way to increase efficiency in the compulsory licensing process so legal music providers can compete with illegal ones thereby reducing instances of piracy. Similarly, online music providers desire an efficient process and low license fees so they can amass more songs.

Music consumers are stakeholders, though they do not actively lobby Congress for changes to the law. Consumers want access to a wide music library of songs with good sound quality at a low cost. The RIAA's website identifies additional stakeholders: people who help create a song or recording. This includes musicians, technicians, and others involved in the marketing of albums and songs (2008).

## Proposed Legislative Changes

In 2005, Register of Copyrights Meredith Peters created a plan called "The 21st Century Music Reform Act." The act would "eliminate the Section 115 compulsory license" with the creation of a new collective licensing system (Mitchell, 2007). This act called for the creation of Music Rights Organizations (MROs), bodies that would take charge of the licensing process. The benefit of the MROs is that music service providers seeking licenses would contact them and the free market would determine the price of the song because the act would eliminate compulsory licenses and set rates. Critics contend that eliminating the compulsory license would have the opposite effect than intended- the process to attain a license will become more confusing as music providers seeking licenses navigate the MROs. The Reform Act failed because it most strongly benefited music consumers and artists, not the RIAA or online music providers. Those latter two

stakeholders are more influential than the former and did not lobby for Register Peter's plan (Mitchell, 2007).

Representative Lamar Smith (R-TX) proposed the Section 115 Reform Act (SIRA) in 2006 to allow Internet music providers to obtain blanket licenses instead of acquiring licenses to distribute each song. Ultimately, Congress never voted on the bill and it subsequently expired. Unlike the 21st Century Music Reform Act, SIRA would have amended Section 115 instead of eliminating it, therefore maintaining compulsory licenses and set rates. The goal of SIRA was to make legal online music providers competitive; they currently fail to offer as many songs as their illegal counterparts because they need to receive a license to distribute every song. In obeying the law, they operate more slowly. SIRA would have allowed legal music providers to run more efficiently and cost-effectively. The goal of SIRA was to expand legal music providers' access to songs with the hope that users would switch from illegal to legal providers because they offer the same number of songs with better sound quality than those offered by illegal providers (Hentoff, 2008).

An important element of SIRA was the Designated Agents (DA) and General Designated Agents (GDA). In order to be considered a DA, an agency must represent a minimum of 15% of the market. The DA can provide "blanket licenses" to people or organizations that want to recreate and distribute music. The GDA is a consolidated version of numerous DAs. The GDA "represents the largest share of the music publishing industry" (Hentoff, 2008).

A pitfall of SIRA was that the GDA may create a monopoly, something Congress has sought to avoid since creating copyright law (Hentoff, 2008). Another problem with

SIRA was that it stated that "incidental reproductions...including cached, network, and RAM buffer reproductions" needed to be licensed (Von Lohmann, 2006). Incidental copies arise from legal activity, and occur when a user's computer caches the information that he listened to a song in an online music stream. Listening to a CD on a computer, even without uploading the songs to the hard drive, creates incidental copies of each song. Under existing law, these are legal acts that do not require licenses. The Copyright Office believes that incidental copies should be considered fair use, and therefore not require licenses (Von Lohmann, 2006).

## Recommendation

The recording industry will continue to struggle unless Congress amends Section 115 of the Copyright Act to enable legal online music service providers to compete with illegal ones; the Copyright Office has acknowledged this as a necessary change (Statement of U.S. Copyright Office, 2006). The status quo is too inefficient to successfully solve the problems of illegal music downloading; suing individuals is a slow process and is not effective in decreasing the number of people who use illegal peer-to-peer file sharing networks to acquire their music. However, the RIAA has few options to rectify this situation, and Congress cannot effectively regulate Internet music downloading.

Thus far, no proposed bill satisfactorily addresses the needs of all stakeholders. Section 115 is inadequate for digital music, but it is sufficient for physical music, such as CDs and cassettes; therefore, abolishing Section 115 in its entirety would create problems with the reproduction and distribution of physical music. Any proposed change should

entail blanket licensing. This will enable legal online music to receive licenses for songs quickly without incurring excessive fees and paying copyright holders.

The 21st Century Music Reform Act called for the abolition of Section 115. Revoking that section may have helped curtail music piracy in the digital realm, but it would have jeopardized the reproduction and distribution of physical music. Section 115 was originally implemented to address concerns about technology and physical music, and it has adequately addressed those problems since the early 1900s. Eliminating it would cause these problems to recur and present additional challenges for the RIAA

The Section 115 Reform Act was strong because it called for blanket licensing, but it also required licensing for incidental copies of music. Licensing incidental copies was considered inefficient and expensive for consumers. Future technology may necessitate the creation of incidental copies, and mandating licenses for them in all situations would have given copyright holders too much control over developing technologies, something Congress has tried to avoid since writing copyright law. Additionally, the threat of a monopoly caused by the proposed GDAs also contributed to bill's eventual expiration. The Copyright Office stated that "the sheer number and complexity of them [copyright issues] ultimately render a holistic solution improbable, if not impossible" (2006). These other issues need to be accounted for, but SIRA should be considered the first step in creating legislation to address illegal music downloads.

Currently, there is no viable legislative solution that Congress may enact. The issue has proven too complex for any law to adequately address the problem. Additionally, by the time any such bill did pass, rapidly changing technology would have rendered it outdated. Simply put, legislation pertaining to illegal music downloading

would struggle to keep pace with technology. Congress cannot effectively regulate illegal music downloads. The best hope the RIAA has for congressional intervention is that blanket licensing will supplant Section 115's compulsory licensing in order to make legal online music providers competitive with illegal peer-to-peer networks. This may ameliorate some of the effects of music piracy, but it will not abolish illegal downloading.

Congress has called upon universities to assist in combating music piracy, and a few have responded with their own legal campus-wide file sharing networks and shutting down infringers' Internet connections. Curtailing copyright infringement on campuses will lower the rate of illegal downloading significantly because college students commit the crime most frequently. Of course, they can illegally download music when not connected to their schools' networks, but nevertheless, universities can hinder the practice and assist Congress and the RIAA in their efforts.

The best approach the RIAA may employ while lobbying for blanket licensing in Section 115 is to sue peer-to-peer networks. Suing individuals and asking Internet Service Providers to turn off an infringer's Internet does not significantly affect how many people illegally download music. Suing Napster and Grokster eliminated major peer-to-peer file sharing networks. If the RIAA continues to attack these networks, they can considerably reduce the availability of illegal music that users may download. New networks will replace the ones the courts order to shut down, but the RIAA and the courts can address each new manifestation the peer-to-peer networks take. For instance, the RIAA began by suing Napster. New peer-to-peer networks improved on the Napster model by becoming decentralized. The RIAA adapted by suing the marketing of

programs that allowed for copyright infringement and shut down Grokster. Limewire further evolved the peer-to-peer model by requiring users to state whether or not they intend to use the program for copyright infringement. The RIAA needs to determine avenues it may take to legally shut down Limewire. Thus far, the RIAA's legal tactics have evolved with the peer-to-peer file sharing programs. When these networks are sued and lose, they must pay billions of dollars to the RIAA. These punishments will deter new file sharing programs from arising if the RIAA continues to successfully sue them each time they evolve. However, this recommendation may be too optimistic given the constant technological advances; it may be that there is no viable solution to this problem.

## Conclusion

In summation, Congress likely will not enact any legislation that will adequately address copyright infringement with regard to digital music. Technology has outpaced the law; therefore, an amendment to Section 115 of the Copyright Law to allow for blanket licensing is the most promising suggestion to seriously address illegal music downloading. The RIAA should revert to suing peer-to-peer file sharing networks instead of suing individuals who have committed copyright infringement. This tactic is more efficient than suing individuals and may actually deter the illegal practice by eliminating the avenues music pirates may take.

This recommendation will not satisfy the RIAA; in fact, the industry faces a grim future. Use of the Internet is too widespread and complex to control with legislation, and suing individuals and peer-to-peer networks only temporarily assuages the problem. Music piracy is a prevalent problem and one that occurs so frequently that any body

policing it will fail to catch enough criminals to deter others from the same practice. In the coming years, the recording industry likely will never control music piracy; rather, music piracy will control the recording industry.

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- Statistics show that college students illegally obtained two-thirds of their music and accounted for 1.3 billion illegal downloads in 2006 alone - in what the RIAA estimates as millions of dollars in losses directly attributed to college students. Now, Congress is taking action and pressuring universities to tighten network security and ethical standards - even comparing digital piracy to plagiarizing term papers in an effort to change the mind-set of students and administrators. Result: Universities are getting new software, and students are getting the message.
- Students now have more options than ever for obtaining music legally with the introduction of free or inexpensive programs that cater to the college crowd. Many universities have seen a reduction in copyright violation notices after promoting such legal programs. One such program, the Ruckus Network, reworked its format in January to provide free, legal music downloads to all US college students with a valid ".edu" e-mail address. Though it won't release hard figures, Ruckus says that since it opened the floodgates to all college students, it has experienced a 60 percent increase in users and now serves "hundreds of thousands."
- The accelerating adoption of digital music has contributed to a 13 percent drop in physical music sales in 2006 (and down more than 30 percent from its 1999 peak) and a nearly 75 percent increase in digital sales that same year, according to RIAA year-end charts.
- The online music industry has evolved dramatically since Northeastern University student Shawn "Napster" Fanning introduced a peer-to-peer (P2P) file-sharing service in 1999 known as Napster. The RIAA sued soon after, and in 2001 the Ninth Circuit Court of Appeals ruled that Napster could not facilitate the trade of

copyrighted music. Napster shut down and partially settled in an agreement to pay copyright holders millions.

- Since then, other services have provided free, but illegal, methods for P2P file sharing. In P2P sharing, a user establishes an account, downloads music or video files, and lets other users download his or her files in turn. The problem: Copyrighted music changes hands for free, and record labels don't get the licensing control guaranteed under 1998's Digital Millennium Copyright Act.
- In March, US Rep. Ric Keller (R) of Florida introduced a bill to increase funds for antipiracy.
- An immunity clause in the Digital Millennium Copyright Act of 1998 protects universities from lawsuits related to illegal file-sharing on campus networks. But that immunity could be reconsidered, Keller says pointedly, "if we find that we continue to have a situation where over half of the college students continue to illegally download and the colleges do nothing about it."

Furchgott, Roy. "Free music downloads without the legal peril." *The New York Times.* 4 Sept. 2008.

- The legal concept regarding copying is called fair use. But what is fair to do without the copyright holder's permission? The legal precedent that lets people transfer CDs to their iPods was established in Sony Corporation of America v. Universal City Studios, known as the Betamax case. Essentially, the ruling said that people could record copyrighted material for personal, noncommercial use. But that's where it gets tricky. Suppose you have a vinyl record and you want to hear it on your iPod. Does the recording have to come from your own album, or can you download a copy from LimeWire, which provides access to a whole world of legal and illegal content? After all, you have paid for the right to hear the song; does it matter where your specific copy comes from? "It's a gray area; there has never been a court case covering it. I would argue it's fair use," said Fred von Lohmann, a senior staff lawyer with the Electronic Frontier Foundation, a free speech advocacy group. He added, "I am willing to admit a court might see it differently." Because the rule is blurry, chances are low that you will be zinged for it. The Recording Industry Association of America and the record companies are going after the most egregious cases, in which people offer hundreds of copyrighted songs for downloading, they say.
- Another method that is unlikely to get you in trouble is recording songs from Internet radio. While trouble is unlikely, it can't be entirely ruled out, because some lawyers say it's legal under the Home Recording Act of 1992, while others say the act specifically prohibits digital recording. Either way, if you record songs for your own use, no one will know you have them.
- Since the songs are free, it should be O.K. not only to download them to your PC or MP3 player, but also to upload them to sites where other people can retrieve them, right? Not according to Mark Fisher, a digital rights lawyer at Fish & Richardson, a law firm in Boston that specializes in intellectual property. "The fact the artist is providing it for free doesn't take away the copyright," Mr. Fisher said. Just because the artists give it away does not mean that users can -- unless the artist gives explicit permission to share the files. But not so fast, says Mr. Von

Lohmann. One of the other tenets of fair use is economic harm. If you pass along a song that the artist has given away, the artist loses no income, so it could be fair use, he said. It's a case the recording industry group is unlikely to bring, because even the bands are usually unaware they need to give pass-around permission. Typical of many artists, the band Wilco, which has often offered giveaways, not only expects but encourages downloaders to share, even though it has never posted explicit permission.

Cridlin, Jay. "That free song may lead to a stiff fine." *St. Petersburg Times.* 19 March. 2007.

- The RIAA's letters note that each illegally shared song carries a minimum fine of $750. Should their cases go to court, those 31 students - whose names the school is withholding due to privacy laws - would face a combined fine of $13.1-million.
- They're told they have 20 days to pay a fine, or else they'll be sued in federal court for hundreds of thousands of dollars.
- But if any of them are actually found guilty, they would be the first. Of the 18,000 individual copyright infringement lawsuits the RIAA has filed since September 2003 - including 1,000 against college students - exactly zero have come to trial. About 5,700 were settled out of court.
- That means the scariest part of the letters - the bit about the $750-per-song fine - has never actually come into play. Instead, the accused students are asked to settle for a greatly reduced sum - reportedly around $4,000 - which goes not to artists or record labels, but back into the RIAA's anti-piracy coffers.
- In a March 8 hearing on the issue, Congress slammed universities across the nation for not doing enough to stop illegal downloads. "Current law isn't giving universities enough incentives to stop piracy," said Rep. Howard L. Berman, (D-Calif.), chairman of the House Judiciary Subcommittee on Courts, the Internet and Intellectual Property.

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- Contains 4 criteria of fair use consideration
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