RESOLUTION

1 RESOLVED, That the American Bar Association supports the principle that the doctrine of "fair use" should be applied consistently and in a manner consistent with the constitutional goal of provision for copyright, which is "to Promote the Progress of Science and useful Arts" by giving authors exclusive rights in their works for limited times, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." (see U.S. Const., Art. I, §8, cl.8); and

7 FURTHER RESOLVED, That the American Bar Association supports the principle that when a user of copyrighted works (i) merely repackages all or substantially all of the copyrighted material and (ii) delivers it to the copyright owner's actual or potential market, that use should not in and of itself be deemed a transformative use that would weigh in favor of fair use, regardless of whether the user can deliver that copyrighted material more efficiently than the copyright owner or its current licensees; and

13 FURTHER RESOLVED, That the American Bar Association supports the principle that the such a copyright owner's actual or potential market includes are those markets that are traditional, reasonable or likely to be developed, regardless of whether the copyright owner has already entered a particular market or has plans to do so.

Deletions struck through; additions underlined