RESOLVED, That the American Bar Association supports the principle that the doctrine of “fair use” should be applied \textit{consistently and} in a manner consistent with the constitutional goal of \textit{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, \textit{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

FURTHER RESOLVED, That the American Bar Association supports the principle that when a user of copyrighted works \textit{(i)} merely repackages \textit{all or substantially all of} the copyrighted material and \textit{(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

FURTHER RESOLVED, That the American Bar Association supports the principle that \textit{the such a} copyright owner’s actual or potential market \textit{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