

Introduction to the 2025 Edition

Thomson Reuters is pleased to send you this updated 2025 release of *Patry on Fair Use*, an in-depth treatment of when the use of copyrighted materials without permission is legal, by William Patry, a renowned thought leader on copyright law with an extensive background in copyright litigation, legislation, teaching, and scholarship, whose work is cited by courts across the country, including the U.S. Supreme Court.

Patry on Fair Use provides in-depth coverage and analysis of fair use law together with coverage of the historical context in which statutory provisions will be interpreted, along with some foreign law.

This 2025 release of *Patry on Fair Use* is the most comprehensive update of the treatise yet. In addition to recent case law on many topics, there are new sections and extensive revisions of many existing sections, including the following:

New Section: Documentaries. See § 3:62.10 .

New Section: Insurance claims. See § 3:70.20.

New Section: Libraries & Archives. See § 3:72.10.

New Section: Translations. See § 3:148

New Section: Value of the Copyrighted Work (in a fourth factor analysis). See § 6:14.50.

Revised sections:

First Amendment: Revised and updated section addressing the possibility of a First Amendment defense and DMCA claims. See § 1:2.50.

Computers—Reverse Engineering: Recent court decisions addressing reverse engineering and also the availability of juries for fair use claims after the Supreme Court's decision in *Oracle v. Google* See § 3:52.

Additional Factors: Good faith/bad faith: Recent court de-

cisions addressing “good faith” in fair use cases. See § 7:1.

Effect Upon the Commercial Market for or Value of the Copyrighted Work: Extensive revisions to the fourth factor analysis, addressing issues such as commerciality; market substitution; hypothetical markets; *Sony* presumptions; derivative works. See, e.g., §§ 6:4, 6:6, 6:8, 6:12, 6:13 et seq.

International Law: Significant updates and revisions throughout, including expanded sections addressing the Berne Convention and its three-step test, and fair dealing in the UK post-Brexit. See §§ 8:2 et seq.