

Introduction to the 2026 Edition

Thomson Reuters is pleased to send you this updated 2026 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 2026 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 sections:

New Section: Declaratory Judgments. § 2:3.10.

New Section: Transformative use—Judge Leval and Judge McKeown’s 2023 Symposium Remarks, and *Romanova v. Amilus, Inc.* § 3:1.50.

New Section: *Splunk Inc. v. Cribl, Inc.* concerning reverse engineering. See § 3:68.20.

New Section: Incidental, nonfortuitous uses —The Townsquare Media Cases. See § 3:68.30

New Section: Orphan Works. See § 4:5.

New Section: Artificial Intelligence Large Language Models. § 5:3.10.

Updated and Revised sections:

New discussion on evolving nature of AI powered search engines. § 3:17.

Artificial Intelligence. Revised and expanded sections on the status of recent cases addressing AI. § 3:53 et seq..

Commercial Use. Discussion of the *Sedlik v. Von Drachenberg* appeal before federal Ninth Circuit. § 3:4

DMCA and the First Amendment. Updated section with the latest case law. See § 1:2.50.

Museums and Fair Use. Updated discussion. See § 3:50.50.