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Fair Use: To What Extent Does This Exception Permit Individuals To Reproduce A Book For Private Use?

[Kristie Prinz](#)

Q. Is copyright protection on a book extended to private reproduction, and to what extent can someone reproduce a book for private use under the fair use doctrine?

-- Jeff

A.

[Copyright law](#) protects original works of authorship such as books that are fixed in a tangible form of expression. The general rule is that such works cannot be reproduced except at the permission of the owner.

The exception to this rule is the [fair use](#) doctrine, which has developed through case law and is codified in [Section 107](#) of the copyright law.

Section 107 states that there are four factors to be considered when deciding whether or not a particular use will constitute a "fair use":

1. the purpose and character of the use, including whether such use is of a commercial nature or of a nonprofit educational use;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. and the effect of the use upon the potential market for or the value of the copyrighted work.

Section 107 further states that criticism, comment, news reporting, teaching, scholarship, and research are all purposes potentially covered by the fair use doctrine; however, there is no clear line between what constitutes "fair use" and what constitutes "infringement."

In the case at hand, it is unclear based on the facts you have provided as to whether or not the reproduction of a book for the so-called "private" use you contemplate would be covered by the fair use doctrine.

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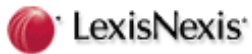
Presumably, this contemplated use would be non-commercial in nature, but it's unclear as to the portion of the work that would be copied and the effect that the copying would have on the overall value of the work. So, the use may or may not rise to the level of being exempted by the fair use doctrine.

Your best course of action, in light of this lack of clarity, would be to obtain permission from the copyright owner before reproducing the book, and to take no action to reproduce the work whatsoever if permission cannot be obtained.

In the alternative, you should consider consulting with an [intellectual property attorney](#) from your jurisdiction who specializes in copyright law to discuss the specific facts of your situation. Such an attorney would be in the position to address the specific facts of your situation and to advise you as to whether or not your contemplated use is likely to be deemed to constitute a "fair use" and, based on that advice, how best you should proceed.

-- Kristie Prinz

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