

## Ask a Lawyer

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## Ask a Lawyer Archive



Is It Copyright Infringement To Copy Songs From CDs I Have Bought To A Compilation CD?

[Kristie Prinz](#)

Q.

If I own several CDs that I have bought and paid for, can I legally copy songs from the CDs to make myself a compilation CD for my own personal use?

-- *Anonymous*

A.

You raise a good question, but unfortunately it is one that doesn't have a definitive answer.

As a general rule, only the copyright owner has the exclusive right to make copies of a copyrighted work, such a song or cd-rom released by an artist. [Section 106 of the Copyright Act](#) provides to the copyright owner the exclusive rights to do and to authorize any of the following:

1. to reproduce the copyrighted work in copies or phonorecords;
2. to prepare derivative works based upon the copyrighted work;
3. to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
4. in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;
5. in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
6. in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

An exception to this general rule on exclusive rights exists in the doctrine of fair use, which is codified in

[Section 107 of the Copyright Act](#), as follows:

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[T]he fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include:

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
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. the effect of the use upon the potential market for or value of the copyrighted work....

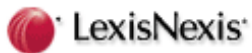
Under the facts you have raised above, your use of the songs/cd-roms could feasibly fall within the fair use doctrine in that you purchased a copy of the music already and are only using the compilation for personal purposes, the portion of the cd-roms you are using is small in comparison with the full work, and the effect upon the market is likely very small. However, the fair use doctrine is subject to interpretation, and there is no guarantee that it would be interpreted in your favor.

Moreover, given the recent efforts by the music industry to crack down on infringers, I would be a little nervous about doing any music copying without permission, period, regardless of the fair use exemption. The safest course of action is definitely to download the music you want to listen to in MP3 format to a player from a site that pays the appropriate licensing royalties to the artist and is favored by the music industry. Then, you do not have to rely on the fair use doctrine to exempt you from the general rule, and you can listen to your compiled music at any time.

-- *Kristie Prinz*

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