

[Date]

[Client Name]

[Client Address]

[City, State, Zip Code]

RE: Fair Use Opinion Regarding Transformative Visual Artwork: "[Title of Work]"

Dear [Client Name],

This letter provides a legal opinion regarding whether your visual artwork, titled "[Title of Work]," constitutes "fair use" under U.S. Copyright Law (17 U.S.C. § 107) in relation to the pre-existing material titled "[Title of Original Material]" created by [Original Creator/Owner].

1. Purpose and Character of the Use

The primary factor is whether the work is "transformative." Your artwork adds a new expression, meaning, or message to the original. Specifically, you have **[Describe how the work was altered, e.g., added commentary, changed context, or used different medium]**. This transformation ensures the work does not merely supersede the objects of the original creation but serves a new aesthetic and illustrative purpose.

2. Nature of the Copyrighted Work

While the original work is creative in nature, which typically receives stronger protection, this factor is often weighed less heavily when the secondary use is highly transformative and serves a different functional purpose than the original.

3. Amount and Substantiality of the Portion Used

You have utilized **[Describe the portion used, e.g., only a specific silhouette or a distorted fragment]**. The amount taken is reasonable and necessary to achieve your transformative purpose. You have not taken more than what is required to establish the intended artistic reference or critique.

4. Effect of the Use Upon the Potential Market

Your artwork does not serve as a market substitute for the original work. Because the artwork is **[Reasoning, e.g., targeting a different fine arts market or providing a unique parody]**, it is unlikely to negatively impact the sales or licensing potential of the original copyrighted material.

Conclusion

Based on the analysis of these four factors, it is our opinion that your artwork constitutes a transformative use and falls within the scope of the Fair Use doctrine. Therefore, the risk of a successful copyright infringement claim is significantly mitigated.

Sincerely,

[Your Name/Law Firm Name]

[Signature]