

[Law Firm Name / Attorney Name]
[Address]
[City, State, Zip Code]
[Email / Phone]

[Date]

[Client Name]
[Client Address]
[City, State, Zip Code]

Re: Legal Opinion Regarding Fair Use Indexing of Image Thumbnails

Dear [Client Name],

You have requested a legal opinion regarding whether the indexing and display of reduced-size, low-resolution images ("thumbnails") by your search engine platform constitutes "fair use" under United States copyright law (17 U.S.C. § 107).

Executive Summary

It is our professional opinion that the use of thumbnail images for the purpose of facilitating internet search and navigation likely constitutes fair use. This conclusion is based primarily on the transformative nature of the use, as established in judicial precedents such as *Perfect 10, Inc. v. Amazon.com, Inc.* and *Kelly v. Arriba Soft Corp.*

Fair Use Analysis

1. Purpose and Character of the Use: The use is highly transformative. Rather than serving an aesthetic or artistic purpose, the thumbnails serve a functional purpose as a pointer or "electronic index" to help users find information on the internet. The search engine provides a public benefit by improving access to information.

2. Nature of the Copyrighted Work: While many indexed images are creative in nature, this factor carries less weight when the work is used for a transformative, functional purpose in a search engine context.

3. Amount and Substantiality of the Portion Used: Although the entire image is often indexed, the reduction in size and resolution is necessary for the functional purpose of the search engine. Using a full-resolution image would exceed what is necessary, but a thumbnail is generally considered reasonable for identification purposes.

4. Effect of the Use Upon the Potential Market: The use of low-resolution thumbnails generally does not substitute for the market of the original high-resolution images. In many cases, search indexing actually increases traffic to the original source, potentially enhancing the market for the copyright holder.

Conclusion

Based on the current state of copyright law, your platform's indexing of thumbnails is consistent with established fair use doctrines. However, this opinion is contingent upon the platform providing links back to the original source and complying with Digital Millennium Copyright Act (DMCA) notice-and-takedown procedures.

Sincerely,

[Signature]

[Attorney Name]

[Law Firm Name]