

[Date]

[To:] [Internal Stakeholder/Legal Department]

[From:] [Legal Counsel/Compliance Officer]

[Subject:] Fair Use Analysis for [Project Name/TDM Initiative]

## **1. Introduction**

This memorandum provides a legal opinion regarding the proposed Text and Data Mining (TDM) activities conducted by [Company Name] for the purpose of [Specific Goal, e.g., AI Training, Market Research]. We evaluate whether these activities qualify as "Fair Use" under U.S. Copyright Law (17 U.S.C. § 107).

## **2. Description of the TDM Activity**

The project involves [describe technical process, e.g., automated scraping, indexing, or processing] of [describe datasets/content]. The output of this process is [describe output, e.g., statistical patterns, trained weights, or non-expressive data].

## **3. Four-Factor Fair Use Analysis**

### **Factor 1: Purpose and Character of the Use**

The use is transformative because it does not substitute for the original creative expression. Instead, it processes data to extract [statistical facts/meta-analysis], which is a recognized transformative purpose in TDM jurisprudence.

### **Factor 2: Nature of the Copyrighted Work**

The works being mined are [factual/published/creative]. While some works may be creative, TDM focuses on the unprotected functional data rather than the artistic expression.

### **Factor 3: Amount and Substantiality of the Portion Used**

While the project requires copying full datasets, this is technically necessary for the analytical process. The final product does not "re-sell" or display these portions to the end-user.

### **Factor 4: Effect of the Use Upon the Potential Market**

The TDM activity does not serve as a market substitute for the original works. It does not compete with the copyright holders' ability to sell or license the content for its original expressive purpose.

## **4. Conclusion**

Based on the analysis above, it is our opinion that the proposed TDM activities constitute Fair Use. This use is consistent with established legal precedents regarding non-expressive intermediate copying for analytical purposes.

## **5. Limitations and Recommendations**

This opinion is limited to the facts described. We recommend the following safeguards:

- Implementing strict access controls on raw data storage.
- Ensuring no expressive portions of the source material are accessible in the final output.

Signed,

[Signature]

[Name/Title]