

[Date]

[Museum Director/Board of Trustees]

[Museum Name]

[Address]

[City, State, Zip]

Re: Fair Use Analysis for Exhibition Catalog: [Title of Exhibition]

Dear [Name],

You have requested a legal opinion regarding the inclusion of certain third-party copyrighted images in the upcoming exhibition catalog, [Title]. It is my professional opinion that the use of these images constitutes "Fair Use" under Section 107 of the U.S. Copyright Act.

This opinion is based on the following four-factor analysis:

1. The Purpose and Character of the Use

The use is transformative. The images are not being used for mere decoration but as objects of scholarly criticism, historical commentary, and educational analysis within a non-profit museum context. The catalog serves as a permanent record of an educational exhibition.

2. The Nature of the Copyrighted Work

While some works may be creative in nature, they have been previously published and are being used here as historical evidence or subjects of specific academic discussion, which supports a finding of fair use.

3. The Amount and Substantiality of the Portion Used

The images are reproduced at a scale and resolution necessary only for identification and scholarly study. No more of the work is used than is required to achieve the educational goals of the catalog.

4. The Effect of the Use Upon the Potential Market

The publication of these images in an academic catalog does not serve as a market substitute for the original works or high-resolution licensed prints. Furthermore, such scholarly inclusion often enhances the historical value and visibility of the artist's oeuvre.

Conclusion

Based on the transformative, educational, and non-commercial nature of the publication, the museum may proceed with the inclusion of these works under the doctrine of fair use.

Sincerely,

[Signature]

[Name of Legal Counsel]

[Law Firm/Title]