

DATE: [Insert Date]

TO: [Client Name/Company]

FROM: [Attorney Name/Law Firm]

RE: Fair Use Opinion Regarding Critical Review and Analysis of "[Title of Copyrighted Work]"

1. INTRODUCTION

This letter provides a legal opinion regarding the proposed use of portions of "[Title of Copyrighted Work]" (the "Copyrighted Material") in [Your Project Name]. You have requested an analysis of whether this use constitutes "Fair Use" under Section 107 of the U.S. Copyright Act.

2. DESCRIPTION OF PROPOSED USE

[Insert detailed description of how the copyrighted material will be used, including the specific duration, context, and the nature of the critical commentary or analytical perspective being applied.]

3. FAIR USE ANALYSIS

Factor 1: The Purpose and Character of the Use

The use is primarily transformative because it provides critical review and scholarly analysis rather than serving as a substitute for the original work. The material is used as a necessary reference point for commentary, which is a favored purpose under fair use guidelines.

Factor 2: The Nature of the Copyrighted Work

The original work is [published/unpublished] and is [factual/creative] in nature. While the work may be highly creative, the focus of the new project is on objective critique, which mitigates the weight of this factor against fair use.

Factor 3: Amount and Substantiality of the Portion Used

The amount used consists of [Number] seconds/pages. This represents only the portion reasonably necessary to enable the critic to make their point. No more of the work is used than is required for the audience to understand the analysis.

Factor 4: Effect of the Use Upon the Potential Market

This use does not serve as a market substitute for the original work. Criticism and review are unlikely to negatively impact the licensed market for the work; rather, they exist in a separate category of "transformative" markets that the copyright holder cannot exclusively preempt.

4. CONCLUSION

Based on the analysis above, it is our professional opinion that the proposed use of the Copyrighted Material for critical review and analysis constitutes Fair Use. This use should not require a license from the copyright holder, provided the use remains within the scope described in this letter.

DISCLAIMER: This opinion is based on current statutes and case law. It does not guarantee that a claim of infringement will not be brought, but rather provides a defense based on established legal principles.

Sincerely,

[Signature]

[Printed Name]

[Firm Name]