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**Controversy over Obama campaign poster**

During the presidential campaign, Shepard Fairey, a poster artist, found a photo of Barack Obama on the Internet, modified it to look more like a graphic design, and made a very popular campaign poster out of it without any credit to the photographer, Mannie Garcia, or permission from the Associated Press (for which Garcia took the photo). You can see the poster and the original photo on [Wikipedia](#) (repeated below) and other sites on the Web. After Fairey declined AP's request that he pay licensing fees, AP sued Fairey for copyright violation. Fairey claims his use was a fair use. Recall the factors considered for determining fair use:

- Purpose and nature of use – commercial (less likely) or non-profit purposes
- Nature of the copyrighted work
- Amount of significance or portion used
- Effect of use on potential market or value of the copyright work (will it reduce sales of work?)

Group 1: Attorneys for AP, arguing that Fairey violated the copyright to the photo and should pay license fees.

Group 2: Attorneys for Fairey, arguing that his use of the photo was fair use.

Group 3: A panel of judges making and explaining their decision.

The presentations should analyze the situation and use analogies and similar cases where possible. How does the technology involved affect the situation? Present proposals and/or conclusions, supported by arguments.

Original Source?



A virtual perfect match.



Not original source...



Note the eyes don't line up.

