

FAIR USE OF COPYRIGHTED IMAGES AFTER  
*PERFECT 10 v. AMAZON.COM*:  
DIVERGING FROM CONSTITUTIONAL PRINCIPLES &  
UNITED STATES TREATY OBLIGATIONS

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**ABSTRACT:**

*U.S. Court decisions have sought to circumscribe the protection to be afforded to the copyright holder of images similar to those maps, based upon the Doctrine of "Fair Use." However, some of the leading decisions among the circuit courts of appeal, which will be discussed herein, are contradictory. In December of last year the Court of Appeals for the Ninth Circuit issued its decision in Perfect 10, Inc. v. Amazon.com, which furthers a reversal of a past trend of that court, and strains the already limited nature of United States' compliance with provisions of the Berne Convention.*

*This note examines the effect of the Perfect 10 decision upon principles of the Doctrine of Fair Use, in the context of visual images. Part II presents the relevant facts in Perfect 10. Part III provides copyright statutory law found in Title 17, as well as governing case law, and culminates in an analysis of how Perfect 10 transgresses that framework. Part IV provides copyright law and fair use principles under international law, along with a comparable analysis.*

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