

# "What's Wrong with This Picture?" Los Angeles Daily Journal

## Publications

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In this installment of the "Content Matters" column, published in the Los Angeles and San Francisco editions of the *Daily Journal*, Jenner & Block Partner Andrew J. "A.J." Thomas examines the unauthorized use of copyrighted photographs. A.J. explains that such unauthorized use presents problems for copyright law, and he reviews how three federal appellate courts have approached the issue in the past year. In all three cases, the courts focused on how much or little the photos were altered and how much of each picture was copied. "In so doing, the courts misapprehended an essential question in fair use analysis – whether the defendant has reproduced the copyrighted work for the same basic purpose as the original, or whether the defendant has 'transformed' the original work by using it for a different purpose, in a manner that adds new meaning or conveys a new message," A.J. observes.

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## Related Capabilities

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