

University of Houston
2010 Santa Fe Intellectual Property & Information Law Conference
Synopsis of Remarks of Pierre N. Leval

Judge Leval will discuss the doctrine of fair use in copyright, examining how the Supreme Court's decision in *Campbell v. Acuff-Rose* imparted a standard (and hence reasonable predictability) to an inquiry which had previously involved a virtually standardless and unpredictable adjudication by unexplained instinct. He will dispute the proposition that fair use is available only where changes are made to the original text, will examine the merits of various critiques that have been voiced in the fifteen years since the *Campbell* decision, and will explain the importance of freeing the doctrine from any vestigial remainder of the notion that its invocation depends on equitable considerations, such as clean hands.