



Fair Use Policies of Digital Contents: Some Observations and Recommendations

Dr. Md. Manzurul Hasan
American International University-Bangladesh
Dhaka, Bangladesh
manzurul@aiub.edu

Shahadat Hossain
Daffodil International University
Dhaka, Bangladesh
shahadat.official92@gmail.com

Md Shariful Alam
American International University-Bangladesh
Dhaka, Bangladesh
alamshariful88@gmail.com

Dipta Gomes
American International University Bangladesh
Dhaka, Bangladesh
diptagomese@aiub.edu

Abstract

In an era defined by rapid technological advancements and the widespread availability of intellectual properties, maintaining a balance between creator rights and public access is crucial. Copyright laws offer owners substantial protections, albeit with limitations that necessitate clear guidelines for permissible use. This study addresses the complexities of fair use and its intersection with defamation, proposing solutions and ethical considerations for digital content usage. Judicial applications of fair use factors, including derivative and transformational uses, illustrate their impact on legal outcomes. Additionally, the study examines contemporary challenges in digital platforms, emphasizing the evolving landscape shaped by law and technology. Insights from an experimental analysis using U.S. Copyright Office Fair Use Index data highlight consistent trends across jurisdictions and time periods. Finally, the paper discusses implications for copyright law in Bangladesh, advocating adaptive frameworks that accommodate digital advancements while upholding creators' rights.

CCS Concepts

• **Legal aspects of computing** → Ethical law of fair use; *Ethical issues of copyright law*; • **Computers and society**; • **Computer systems organization**; • **Computing methodologies**; • **Information systems** → Embedded systems; *Redundancy*; Robotics; • **Networks** → Network reliability;

Keywords

Intellectual Property Law, Fair Use Doctrine, Copyright Protection, Legislative Reform, Explanatory Data Analysis

ACM Reference Format:

Dr. Md. Manzurul Hasan, Md Shariful Alam, Shahadat Hossain, and Dipta Gomes. 2024. Fair Use Policies of Digital Contents: Some Observations and

Recommendations. In *3rd International Conference on Computing Advancements (ICCA 2024)*, October 17–18, 2024, Dhaka, Bangladesh. ACM, New York, NY, USA, 8 pages. <https://doi.org/10.1145/3723178.3723204>

1 Introduction

Digital property is a vital form of creation world-wide, comprising of benefits from legal integration. This results in ensuring stability and security in preserving and protecting intellectual assets. The evolution uplifts societal values, technological progress, and economic priorities. This paper explores the historical journey of copyright law, from communal origins in early civilizations to today's digital challenges, focusing on technology's transformative effects on intellectual property [6].

Technological advancements impacted the enforcement of laws, with authors holding exclusive rights to edit, distribute, and perform their work. Our approach in this research is adaptable, while we focus on essential notions tied to current issues. Proposed reforms include fairer exploitation policies, ensuring sustainability for both commercial and non-commercial use, and defining 'fair use' policy to balance actions due to compromise in the digital age [13]. Access to digital content, facilitated by search engines like Google, has ensured these measures.

Content owners often resist extensive fair use provisions, prioritizing control over data and cultural assets, even as they adapt to digital demands. This paper assesses the fluid boundaries of copyright, advocating a balance that enables public benefit without stifling information flow. An equilibrium in copyright—neither too restrictive nor too permissive—supports societal growth in knowledge and culture [21]. The digital age has reshaped copyright landscapes. Issues like digital piracy, fair use, and transformative digital content drive ongoing policy discussions. We examine how copyright laws have evolved to accommodate digital innovations, focusing on doctrines of fair use and copyright's impact on creativity, innovation, and societal welfare [22].

The Copyright Act 2023 in Bangladesh introduces a liberal 'fair use' clause, replacing the restrictive 2000 Act. Drawing from the Berne Convention and TRIPS Agreement, it allows limited, purpose-based copying without extensive harm to author interests. This Act also introduces 'innocent commercial use,' supporting reasonable commercial practices while restricting undue exploitation, marking a progressive shift in copyright law [21].

Permission to make digital or hard copies of all or part of this work for personal or classroom use is granted without fee provided that copies are not made or distributed for profit or commercial advantage and that copies bear this notice and the full citation on the first page. Copyrights for components of this work owned by others than the author(s) must be honored. Abstracting with credit is permitted. To copy otherwise, or republish, to post on servers or to redistribute to lists, requires prior specific permission and/or a fee. Request permissions from permissions@acm.org.

ICCA 2024, Dhaka, Bangladesh

© 2024 Copyright held by the owner/author(s). Publication rights licensed to ACM.

ACM ISBN 979-8-4007-1382-8/24/10

<https://doi.org/10.1145/3723178.3723204>