

**United States v. Slater,  
348 F.3d 666 (7th Cir. 2003)**

Year	2003
Court	United States Court of Appeals for the Seventh Circuit
Key Facts	Criminal defendants were members of an internet piracy group, “Pirates With Attitudes” (PWA), which made pirated software freely available for use without permission. In return for downloading pirated software, PWA required members to participate in some aspect of its operations, such as procuring the software, eliminating internal copyright protections, or testing software before it could be uploaded to the group’s servers. Ultimately, the FBI seized the group’s server, and several members were indicted for criminal copyright infringement. At trial, the district court denied defendants’ request to instruct the jury on the fair use defense.
Issue	Whether it was proper for the district court to refuse to instruct the jury on fair use in a criminal case involving software piracy over the Internet.
Holding	The circuit court affirmed the lower court’s refusal to instruct the jury on fair use, finding defendants’ arguments—that their site was for noncommercial, educational, and entertainment purposes only—“barely pass the straight-face test.” While the court acknowledged that “[l]imited copying may be permissible for certain noncommercial, educational purposes, taking into account the nature of the copyrighted work and market considerations,” it found that such factors “weigh against application of the fair use doctrine to cases involving internet piracy.” The court concluded that it “is preposterous to think that internet piracy is authorized by virtue of the fair use doctrine.”
Tags	Seventh Circuit; Computer program; Internet/digitization
Outcome	Preliminary ruling, mixed result, or remand

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