

Fair Use and Shia LaBeouf

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The medium that I chose to define 'fair use' is a Youtube video. My video is an amalgamation of other people's copyrighted videos, a couple memes, and my own narration. I chose to use a variety of copyrighted material to define fair use because I wanted the definitional text to serve as an exemplar of what it tries to define. Since I reworked the visual and auditory components of other people's copyrighted content to create a holistically original piece of work, while maintaining a non profit educational motive, my video should fall under the protection of fair use.

The first part of my video is devoted to defining fair use. In this section, I primarily used Crash Course's video on "Copyright, Exceptions, and Fair Use" to define the term because I found their definition to be well organized and fairly comprehensive. By cutting Crash Course's video, I generally defined 'fair use' to be a tool that provides limited use of copyrighted material without the owner's permission as long as the limited use is transformative. Therefore, the inclusion of memes in this segment is appropriate because made my video more transformative. Moreover, the memes served as microcosms of what can be considered fair use because they are copyrighted material that are transformed when the overlaying text is altered.

I also used Crash Course as the primary source for my definition because they effectively explain that fair use is neither concrete or absolute. Since there is inherently a large degree of subjectivity involved with determining if a work is transformative, fair use is a flexible tool that warrants case by case evaluations. Consequently, Crash Course's definition of fair use introduced an ideal segue into the case study of Shia LaBeouf as someone who has explored the merits and drawbacks of fair use.

The second part of the video seeks to reveal Shia LaBeouf's recent artistic endeavors to be deliberate inquiries of the merits and limitation of fair use. I chose to analyze three of LaBeouf's recent performance pieces; his plagiarism scandal, the "Just Do It" video, and "Shia Watches Shia" marathon.

Shia LaBeouf first tries to push the envelope of what be considered fair use in his plagiarism scandal. He got in hot water when he seemingly plagiarized Daniel Clowes' film in his directorial debut. LaBeouf bizarrely opted to apologize for his act of plagiarism by plagiarizing other people's apologies for plagiarism. Although this seemed to be an outright violation of copyright law, according to Crash Course's definition of fair use, Shia LaBeouf's application of other people's copyrighted work can be considered fair use in some aspect because his meta plagiarism was carried out with the intent of parody and satire. Therefore, LeBoeuf challenges what can be considered fair use because he muddles the distinction of blatant plagiarism of copyrighted content and legitimate fair use. In this section of the video, I explained LaBeouf's plagiarism scandal by cutting a clip from CNN's coverage of this incident and inserting a few tweets. Once again, by editing various copyrighted materials, my definitional text as a whole becomes more transformative and a better exemplification of fair use.

Shortly after the incident, Shia Labeouf proved to be an advocate for fair use when he released his motivational "Just Do It" video onto Youtube. Because the scene was filmed in front of a green screen, LaBeouf encouraged people on the internet to obtain his copyrighted work and improve on it. He showcased the potential merits of fair use by inspiring a slew of videos in which he was inserted in creative ways. Thus, I included "The Office, Just Do It Video", "Batman and Shia LaBeouf v Superman - Dawn of Do It", and "Damn it Shia" because they are

all great examples of fair use allowing for the creation of truly innovative and brilliant content. Furthermore, the incorporation of the assorted films within the context of my entire video bolsters my definitional text as a living symbol of fair use.

In contrast, in the last of his performance pieces, “Shia Watches Shia”, he seems to indicate some restraint in the application of fair use. In this performance piece, he streamed himself watching himself in movies that he had roles in throughout a three day span, on Twitch. Notably, LaBeouf did not include any of the video or audio from the movies that he was watching. Instead, he only filmed his own reaction to these films. LaBeouf likely did this because he knew that he if he exhibited the various films without any edits or alteration of the source work, he would have partaken in a clear case of copyright infringement. As an artist, Shia LaBeouf understood that fair use should not be applied too liberally because it has the potential to inhibit other artists from creating content. Once more, I edited the copyrighted material, this time from “Shia Watches Shia”, to manifest fair use in action.

To sum up, fair use is a difficult to define concept that has a handful of general guidelines that are used to determine if a work is transformative. This fluidity of what can be considered fair use is exposed by Shia LaBeouf’s recent performance pieces. The sum of his works, seems to validate the benefits of fair use, while questioning how liberally it should be granted. Nevertheless, his art hints that fair use is optimally utilized when there is a good balance of prosperity split between the original artist who create the content and the public. Nonetheless, it is important to realize that throughout my attempt to define fair use, my video became an example of appropriate fair use. As long as Youtube does not take down my video for copyright infringement, the definitional text remains a monument of what it strives to define.

Link to Definitional Text Video:

<https://www.youtube.com/watch?v=VtOwUNB1PIQ>