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Beautiful, female, bodymorph, curves,custom, hairmorph,size,natur. Derivative Work and The Civil Rights Act of 1991 One would expect that the free expression argument would not be limited to the First Amendment and instead extend to the right to derivative work. However, in the context of this case, that is not the case. In its ruling, the Court distinguished the right to free expression from the right to create derivative works in both general principles and in the context of electronic communications. The Court cited the "principal purpose" test as the primary basis for its decision, holding that the principle of copyright law would not permit an infringer to claim constitutional protections on the basis that he had created a work of expression. The Court also held that because the plaintiff claimed to be a distributor of the work, it would be fair to apply traditional analysis to determine whether the plaintiff's claims were permissible under copyright law. First Amendment The Court relied primarily on the First Amendment in its decision, holding that the digital communications in this case were not protected by the First Amendment. According to the Court, the Internet is an "essential means of communication." While a person may be deprived of an opportunity to express himself in a tangible medium, the Court said that the First Amendment should not be used to deprive individuals of their right to communicate through electronic means. The Court also stated that a public performance of music is "not necessary to the exchange of ideas." Principle of fair use The Court also cited the "fair use" doctrine in its decision, noting that this doctrine had been used to protect certain uses of copyright material. However, the Court did not create a new standard for finding fair use under copyright law, but instead cited the traditional elements of fair use as set forth in the courts' decisions. Summary Although the Court acknowledged that the First Amendment is not a "get out of jail free card" for the exercise of protected rights, the Court noted that

the defendant could still be liable for contributory infringement. This would be the case if the defendant knew that the plaintiff's work was an infringement and assisted in further infringement. The Court held that the plaintiff had not proven that the defendant had knowledge of the infringement. The plaintiff attempted to prove such knowledge by suggesting that the defendant had been informed of the plaintiff's registered trademark when the defendant accepted the plaintiff's advertisements. The Court held that because the defendant had never received any form of communication regarding

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