

Appendix I: Fair Use Industry Definitions, Non-Core

Non-core Industry	2012 NAICS Codes	Detailed NAICS Description
Printing and related support activities	3231	Industries in the Printing and Related Support Activities subsector print products, such as newspapers, books, labels, business cards, stationery, business forms, and other materials, and perform support activities, such as data imaging, platemaking services, and bookbinding. The support activities included here are an integral part of the printing industry, and a product (a printing plate, a bound book, or a computer disk or file) that is an integral part of the printing industry is almost always provided by these operations. Processes used in printing include a variety of methods used to transfer an image from a plate, screen, film, or computer file to some medium, such as paper, plastics, metal, textile articles, or wood. The printing processes employed include, but are not limited to, lithographic, gravure, screen, flexographic, digital, and letterpress...
Communications equipment manufacturing	3342	This industry group comprises establishments primarily engaged in one or more of the following manufacturing activities: telephone equipment; radio and television broadcasting and wireless communications equipment; and other communications equipment.
Communication and energy wire and cable manufacturing	33592	This industry comprises establishments insulating fiber-optic cable, and manufacturing insulated nonferrous wire and cable from nonferrous wire drawn in other establishments.
Computer and computer peripheral equipment and software merchant wholesalers	42343	This industry comprises establishments primarily engaged in the merchant wholesale distribution of computers, computer peripheral equipment, loaded computer boards, and/or computer software.
Household appliances, electric housewares, and consumer electronics merchant wholesalers	42362	This industry comprises establishments primarily engaged in the merchant wholesale distribution of household-type gas and electric appliances (except water heaters and heating stoves (i.e., noncooking)), room air-conditioners, and/or household-type audio or video equipment.
Other electronic parts and equipment merchant wholesalers	423690	This industry comprises establishments primarily engaged in the merchant wholesale distribution of electronic parts and equipment (except electrical apparatus and equipment, wiring supplies, and construction materials; electrical and electronic appliances; and television and radio sets).
Business to business electronic markets	42511	This industry comprises business-to-business electronic markets bringing together buyers and sellers of goods using the Internet or other electronic means and generally receiving a commission or fee for the service. Business-to-business electronic markets for durable and nondurable goods are included in this industry.
Wholesale trade agents and brokers	425120	This industry comprises wholesale trade agents and brokers acting on behalf of buyers or sellers in the wholesale distribution of goods. Agents and brokers do not take title to the goods being sold but rather receive a commission or fee for their service. Agents and brokers for all durable and nondurable goods are included in this industry.
Electronics stores	443142	This U.S. industry comprises: (1) establishments known as consumer electronics stores primarily engaged in retailing a general line of new consumer-type electronic products such as televisions, computers, and cameras; (2) establishments specializing in retailing a single line of consumer-type electronic products; (3) establishments primarily engaged in retailing these new electronic products in combination with repair and support services; (4) establishments primarily engaged in retailing new prepackaged computer software; and/or (5) establishments primarily engaged in retailing prerecorded audio and video media, such as CDs, DVDs, and tapes.
Book stores and news dealers	4512	This industry comprises establishments primarily engaged in retailing new books, newspapers, magazines, and other periodicals.

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Radio and television broadcasting	5151	This industry group comprises establishments primarily engaged in operating broadcast studios and facilities for over-the-air or satellite delivery of radio and television programs. These establishments are often engaged in the production or purchase of programs or generate revenues from the sale of air time to advertisers, from donations and subsidies, or from the sale of programs.
Cable and other subscription programming	5152	This industry comprises establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature (e.g., limited format, such as news, sports, education, or youth-oriented). These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers.
Wired telecommunications carriers	5171	This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.
Wireless telecommunications carriers (except satellite)	5172	This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular phone services, paging services, wireless Internet access, and wireless video services.
Satellite telecommunications	5174	This industry comprises establishments primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.
Other telecommunications	5179	This industry comprises establishments primarily engaged in (1) purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households; (2) providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation; (3) providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems; or (4) providing Internet access services or Voice over Internet protocol (VoIP) services via client-supplied telecommunications connections. Establishments in this industry do not operate as telecommunications carriers. Mobile virtual network operators (MVNO) are included in this industry.
Securities and commodity exchanges	5232	This industry comprises establishments primarily engaged in furnishing physical or electronic marketplaces for the purpose of facilitating the buying and selling of stocks, stock options, bonds, or commodity contracts.

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Agencies, brokerages, and other insurance related activities	5242	This industry group comprises establishments primarily engaged in (1) acting as agents (i.e., brokers) in selling annuities and insurance policies or (2) providing other employee benefits and insurance related services, such as claims adjustment and third party administration.
Insurance and employee benefit funds	5251	This industry group comprises legal entities (i.e., funds, plans, and/or programs) organized to provide insurance and employee benefits exclusively for the sponsor, firm, or its employees or members.
Computer system design and related services	5415	This industry comprises establishments primarily engaged in providing expertise in the field of information technologies through one or more of the following activities: (1) writing, modifying, testing, and supporting software to meet the needs of a particular customer; (2) planning and designing computer systems that integrate computer hardware, software, and communication technologies; (3) on-site management and operation of clients' computer systems and/or data processing facilities; and (4) other professional and technical computer-related advice and services.
Management, scientific, and technical consulting services	5416	This industry comprises establishments primarily engaged in providing advice and assistance to businesses and other organizations on management issues, such as strategic and organizational planning; financial planning and budgeting; marketing objectives and policies; human resource policies, practices, and planning; production scheduling; and control planning.
Education services (pt.)	6114, 6115, 6116, 6117	See description of education services listed under core industry NAICS 6111, 6112, 6113
Promoters of performing arts, sports, and similar events	7113	This industry comprises establishments primarily engaged in (1) organizing, promoting, and/or managing live performing arts productions, sports events, and similar events, such as state fairs, county fairs, agricultural fairs, concerts, and festivals, held in facilities that they manage and operate and/or (2) managing and providing the staff to operate arenas, stadiums, theaters, or other related facilities for rent to other promoters...
Agents and managers for artists, athletes, entertainers, and other public figures	7114	This industry comprises establishments of agents and managers primarily engaged in representing and/or managing creative and performing artists, sports figures, entertainers, and other public figures. The representation and management includes activities, such as representing clients in contract negotiations; managing or organizing client's financial affairs; and generally promoting the careers of their clients.

Source
North American Industry Classification System, 2012 NAICS, <http://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2012>

Reliance on Fair Use
See exceptions listed under NAICS 51111, 51114, 51119.
102(b) (non-copyrightability of interface specifications); 107 (fair use: browser copies, reverse engineering); Sony principle; see NAICS 3341, 3346, 5112, 5415, 5171, 5172, 5174, 5175, 5179, 5152, 515120.
See exceptions listed under NAICS 3342.
See exceptions listed under NAICS 3341, 5112.
See exceptions listed under NAICS 3343.
See exceptions listed under NAICS 3342.
See exceptions listed under NAICS 5171, 5179, 5182, 519, 3341, 5112, 5415, 334413, 3346.
See exceptions listed under NAICS 3341, 5112, 3343.
See exceptions listed under NAICS 3343, 3341, 5112, 334413.
109(a) (first sale); see also exceptions listed under NAICS 5111, 5121, 5122.

Reliance on Fair Use
102(a) (non-copyrightability of facts); 102(b) (idea/expression dichotomy); 107 (fair use: criticism, comment, news reporting, parody); 112 (ephemeral recordings); 114(a) (exception to sound recording performance right); see also exceptions listed under NAICS 3343, 3342.
102(a) (non-copyrightability of facts); 102(b) (idea/expression dichotomy); 107 (fair use: criticism, comment, news reporting, parody); 114(a) (exception to sound recording performance right); see also exceptions listed under NAICS 3343, 3342.
See exceptions listed under NAICS 3341, 5112, 5415, 5182, 334413, 3346, 3342.
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See exceptions listed under NAICS 5231, 5182, 5415, 5171, 5411

Reliance on Fair Use
See exceptions listed under NAICS 5231, 5239, 5241, 5415
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See exceptions listed under NAICS 5171, 5179, 519, 5182, 3341, 5112, 454111, 454112, 42511, 334413, 3346.
102(a) (non-copyrightability of facts); 102(b) (idea/expression dichotomy); 107 (fair use: scholarship, research, comment, criticism); see also exceptions listed under NAICS 3341, 5112, 5415, 5171, 5172, 5179, 519, 333315, 334413.
See exceptions listed under NAICS 6111, 6112, 6113.
See exceptions listed under NAICS 5121, 7111, 7115.
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