

Appendix I: Fair Use Industry Definitions, Core

| Core Industry | 2012 NAICS Codes | Detailed NAICS Description |
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| Photographic and photocopying equipment manufacturing | 333316 | This U.S. industry comprises establishments primarily engaged in manufacturing photographic and photocopying equipment, such as cameras (except television and video), projectors, film developing equipment, photocopying equipment, and microfilm equipment. |
| Computer and peripheral equipment manufacturing | 3341 | This industry comprises establishments primarily engaged in manufacturing and/or assembling electronic computers, such as mainframes, personal computers, workstations, laptops, and computer servers; and computer peripheral equipment, such as storage devices, printers, monitors, input/output devices and terminals. Computers can be analog, digital, or hybrid. Digital computers, the most common type, are devices that do all of the following: (1) store the processing program or programs and the data immediately necessary for the execution of the program; (2) can be freely programmed in accordance with the requirements of the user; (3) perform arithmetical computations specified by the user; and (4) execute, without human intervention, a processing program that requires the computer to modify its execution by logical decision during the processing run. Analog computers are capable of simulating mathematical models and comprise at least analog, control, and programming elements. |
| Audio and video equipment manufacturing | 3343 | This industry comprises establishments primarily engaged in manufacturing electronic audio and video equipment for home entertainment, motor vehicles, and public address and musical instrument amplification. Examples of products made by these establishments are video cassette recorders, televisions, stereo equipment, speaker systems, household-type video cameras, jukeboxes, and amplifiers for musical instruments and public address systems. |
| Semiconductors and related device manufacturing | 334413 | This U.S. industry comprises establishments primarily engaged in manufacturing semiconductors and related solid state devices. Examples of products made by these establishments are integrated circuits, memory chips, microprocessors, diodes, transistors, solar cells and other optoelectronic devices. |
| Manufacturing and reproducing magnetic and optical media | 3346 | This industry comprises establishments primarily engaged in (1) manufacturing optical and magnetic media, such as blank audio tape, blank video tape, and blank diskettes and/or (2) mass duplicating (i.e., making copies) audio, video, software, and other data on magnetic, optical, and similar media. |
| Electronic shopping | 454111 | This U.S. Industry comprises establishments engaged in retailing all types of merchandise using the Internet. |
| Electronic auctions | 454112 | This U.S. Industry comprises establishments engaged in providing sites for and facilitating consumer-to-consumer or business-to-consumer trade in new and used goods, on an auction basis, using the Internet. Establishments in this industry provide the electronic location for retail auctions, but do not take title to the goods being sold. |
| Newspaper publishers | 51111 | This industry comprises establishments known as newspaper publishers. Establishments in this industry carry out operations necessary for producing and distributing newspapers, including gathering news; writing news columns, feature stories, and editorials; and selling and preparing advertisements. These establishments may publish newspapers in print or electronic form. |
| Directory, and mailing list publishers | 51114 | This industry comprises establishments primarily engaged in publishing directories, mailing lists, and collections or compilations of fact. The products are typically protected in their selection, arrangement and/or presentation. Examples are lists of mailing addresses, telephone directories, directories of businesses, collections or compilations of proprietary drugs or legal case results, compilations of public records, etc. These establishments may publish directories and mailing lists in print or electronic form. |

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| Other publishers | 51119 | This industry comprises establishments known as publishers (except newspaper, magazine, book, directory, mailing list, and music publishers). These establishments may publish works in print or electronic form. |
| Software publishers | 5112 | This industry comprises establishments primarily engaged in computer software publishing or publishing and reproduction. Establishments in this industry carry out operations necessary for producing and distributing computer software, such as designing, providing documentation, assisting in installation, and providing support services to software purchasers. These establishments may design, develop, and publish, or publish only. |
| Motion picture and video industries | 5121 | This industry group comprises establishments primarily engaged in the production and/or distribution of motion pictures, videos, television programs, or commercials; in the exhibition of motion pictures; or in the provision of postproduction and related services. |
| Sound recording industries | 5122 | This industry group comprises establishments primarily engaged in producing and distributing musical recordings, in publishing music, or in providing sound recording and related services. |
| Data processing, hosting, and related services | 5182 | This industry comprises establishments primarily engaged in providing infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services or application hosting, provide application service provisioning, or may provide general time-share mainframe facilities to clients. Data processing establishments provide complete processing and specialized reports from data supplied by clients or provide automated data processing and data entry services. |
| Other information services | 519 | Industries in the Other Information Services subsector group establishments supplying information, storing and providing access to information, searching and retrieving information, operating Web sites that use search engines to allow for searching information on the Internet, or publishing and/or broadcasting content exclusively on the Internet. The main components of the subsector are news syndicates, libraries, archives, <i>exclusive Internet publishing and/or broadcasting, and Web Search Portals</i> . |
| Securities and commodity contracts intermediation and brokerage | 5231 | This industry group comprises establishments primarily engaged in putting capital at risk in the process of underwriting securities issues or in making markets for securities and commodities; and those acting as agents and/or brokers between buyers and sellers of securities and commodities, usually charging a commission. |
| Other financial investment activities | 5239 | This industry group comprises establishments primarily engaged in one of the following: (1) acting as principals in buying or selling financial contracts (except investment bankers, securities dealers, and commodity contracts dealers); (2) acting as agents (i.e., brokers) (except securities brokerages and commodity contracts brokerages) in buying or selling financial contracts; or (3) providing other investment services (except securities and commodity exchanges), such as portfolio management; investment advice; and trust, fiduciary, and custody services. |

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| Insurance carriers | 5241 | <p>This industry group comprises establishments primarily engaged in underwriting (assuming the risk, assigning premiums, and so forth) annuities and insurance policies and investing premiums to build up a portfolio of financial assets to be used against future claims.</p> <p>Direct insurance carriers are establishments that are primarily engaged in initially underwriting and assuming the risk of annuities and insurance policies. Reinsurance carriers are establishments that are primarily engaged in assuming all or part of the risk associated with an existing insurance policy (or set of policies) originally underwritten by another insurance carrier. Industries are defined in terms of the type of risk being insured against, such as death, loss of employment because of age or disability, and/or property damage. Contributions and premiums are set on the basis of actuarial calculations of probable payouts based on risk factors from experience tables and expected investment returns on reserves.</p> |
| Other investment pools and funds | 5259 | <p>This industry group comprises legal entities (i.e., investment pools and/or funds) organized to pool securities or other assets (except insurance and employee-benefit funds) on behalf of shareholders, unitholders, or beneficiaries.</p> |
| Video tape and disc rental | 53223 | <p>This industry comprises establishments primarily engaged in renting prerecorded video tapes and discs for home electronic equipment.</p> |
| Legal services | 5411 | <p>This industry comprises offices of legal practitioners known as lawyers or attorneys (i.e., counselors-at-law) primarily engaged in the practice of law. Establishments in this industry may provide expertise in a range or in specific areas of law, such as criminal law, corporate law, family and estate law, patent law, real estate law, or tax law.</p> |
| Architectural, engineering, and related services | 5413 | <p>This industry comprises establishments primarily engaged in planning and designing residential, institutional, leisure, commercial, and industrial buildings and structures by applying knowledge of design, construction procedures, zoning regulations, building codes, and building materials.</p> |
| Graphic design services | 54143 | <p>This industry comprises establishments primarily engaged in planning, designing, and managing the production of visual communication in order to convey specific messages or concepts, clarify complex information, or project visual identities. These services can include the design of printed materials, packaging, advertising, signage systems, and corporate identification (logos). This industry also includes commercial artists engaged exclusively in generating drawings and illustrations requiring technical accuracy or interpretative skills.</p> |
| Scientific research & development services | 5417 | <p>This industry group comprises establishments engaged in conducting original investigation undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development). The industries within this industry group are defined on the basis of the domain of research; that is, on the scientific expertise of the establishment.</p> |

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| Education services (pt.) | 6111, 6112, 6113 | Industries in the Educational Services subsector provide instruction and training in a wide variety of subjects. The instruction and training is provided by specialized establishments, such as schools, colleges, universities, and training centers. The subsector is structured according to level and type of educational services. Elementary and secondary schools, junior colleges and colleges, universities, and professional schools correspond to a recognized series of formal levels of education designated by diplomas, associate degrees (including equivalent certificates), and degrees. The remaining industry groups are based more on the type of instruction or training offered and the levels are not always as formally defined. The establishments are often highly specialized, many offering instruction in a very limited subject matter, for example ski lessons or one specific computer software package. Within the sector, the level and types of training that are required of the instructors and teachers vary depending on the industry. Establishments that manage schools and other educational establishments on a contractual basis are classified in this subsector if they both manage the operation and provide the operating staff. Such establishments are classified in the Educational Services subsector based on the type of facility managed and operated. |
| Performing arts companies | 7111 | This industry group comprises establishments primarily engaged in producing live presentations involving the performances of actors and actresses, singers, dancers, musical groups and artists, and other performing artists. |
| Independent artists, writers, and performers | 7115 | This industry comprises independent (i.e., freelance) individuals primarily engaged in performing in artistic productions, in creating artistic and cultural works or productions, or in providing technical expertise necessary for these productions. This industry also includes athletes and other celebrities exclusively engaged in endorsing products and making speeches or public appearances for which they receive a fee. |
| Computer and office machine repair and maintenance | 811212 | This industry comprises establishments primarily engaged in repairing and maintaining computers and office machines without retailing new computers and office machines, such as photocopying machines; and computer terminals, storage devices, printers; and CD-ROM drives. |

Source

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

| Reliance on Fair Use |
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| 107 (fair use copying); Sony principle. |
| 102(b) (non-copyrightability of interface specifications); 107 (fair use: browser copies; buffer copies; time and space shifting; reverse engineering); 117(a) (backup, essential step copies); Sony principle; see also exceptions listed under NAICS 5112, 5171, 5179, 5182, 519, 3341, 334413. |
| 107 (fair use: buffer copies, time and space shifting); Sony principle; see also exceptions listed under NAICS 3346, 334413. |
| 107 (fair use: reverse engineering); Sony principle; see NAICS 3341. |
| 107 (fair use: time and space shifting; browser, cache copies); Sony principle; see also exceptions listed under NAICS 3341, 3343; 3342 |
| 107 (fair use: browser copies; search); 109(a) (first sale); 512 (ISP safe harbors); Sony principle; see also exceptions listed under NAICS 5171, 5179, 5182, 519, 3341, 5112, 5415, 33413, 3346. |
| 107 (fair use: browser copies; search); 109(a) (first sale); 512 (ISP safe harbors); Sony principle; see also exceptions listed under NAICS 5171, 5179, 519, 5182, 3341, 5112, 5415, 33413, 3346. |
| 102(a) (non-copyrightability of facts); 102(b) (idea/expression dichotomy); 107 (fair use: criticism, comment, news reporting); 105 (no copyright in U.S. government works). |
| 102(a) (non-copyrightability of facts); 105 (no copyright in U.S. government works). |

| Reliance on Fair Use |
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| 102(a) (non-copyrightability of facts); 102(b) (idea/expression dichotomy); 107 (fair use: scholarship, research, teaching); 302-304 (copyright term); 105 (no copyright in U.S. government works). |
| 102(b) (non-copyrightability of interface specifications); 107 (fair use: reverse engineering); 117(a) (back up, essential step copies); Sony principle; see also exceptions listed under NAICS 5171, 5179, 519, 5182, 3341, 5415, 334413, 3346. |
| 102(a) (non-copyrightability of facts); 102(b) (idea/expression dichotomy); 107 (fair use: criticism, comment, parody, research); 302-304 (copyright term); 105 (no copyright in U.S. government works) see also exceptions listed under NAICS 3342. |
| 102(a) (non-copyrightability of facts); 102(b) (idea/expression dichotomy); 107 (fair use: criticism, comment, parody, research); 302-304 (copyright term) see also exceptions listed under 3343. |
| 107 (fair use: browser copies); 512 (ISP safe harbors); Sony principle; see also exceptions listed under NAICS 3341, 5112, 5415, 334413, 5171, 5179, 519, 3346. |
| 102(a) (non-copyrightability of facts); 102(b) (idea/expression dichotomy, non-copyrightability of interface specifications); 107 (fair use: criticism; comment; news reporting; browser, cache copies; teaching; scholarship; research); 108 (library uses); 109 (first sale doctrine); 512 (ISP safe harbors); Sony principle; 302-304 (copyright term); 105 (no copyright in U.S. government works); see also exceptions listed under NAICS 3341, 5112, 5415, 334413, 3346. |
| 102(a) (non-copyrightability of facts); 107 (fair use: research); see also exceptions listed under NAICS 3341, 5182, 5415, 5171. |
| 102(a) (non-copyrightability of facts); 107 (fair use: research); see also exceptions listed under NAICS 3341, 5171, 5182, 5415. |

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| 102(a) (non-copyrightability of facts); 107 (fair use: research); see also exceptions listed under NAICS 3341, 5171, 5182, 5415. |
| 102(a) (non-copyrightability of facts); 107 (fair use: research); see also exceptions listed under NAICS 3341, 5171, 5179, 519, 5415. |
| 109(a) (first sale); see also exceptions listed under NAICS 3343, 3346. |
| 102(b) (idea/expression dichotomy); 105 (no copyright in U.S. government works); 107 (fair use: research); see also exceptions listed under NAICS 3341, 5171, 5172, 5174, 5179, 519, 5415. |
| 102(a) (non-copyrightability of facts); 102(b) (idea/expression dichotomy); 107 (fair use: criticism, comment, parody, research); 302-304 (copyright term); 105 (no copyright in U.S. government works) |
| 102(b) (non-copyrightability of interface specifications); 107 (fair use: comment, parody, research, search; browser, cache copies); 302-304 (copyright term); 105 (no copyright in U.S. government works); 117(a) (backup, essential step copies). |
| 102(a) (non-copyrightability of facts); 102(b) (idea/expression dichotomy); 107 (fair use: scholarship, research, comment, criticism); see NAICS 3341, 5171, 5179, 5112, 5171, 5172, 519, 5415, 333316, 334413. |

| Reliance on Fair Use |
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| <p>102(a) (non-copyrightability of facts); 102(b) (idea/expression dichotomy); 107 (fair use: criticism, comment, teaching, scholarship, research); 110(1), 110(2) (displays and performances in educational contexts); see also exceptions listed under NAICS 3341, 5112, 5415, 5171, 5172, 5179, 519, 333316, 334413.</p> |
| <p>102(b) (idea/expression dichotomy); 107 (fair use: criticism, comment, parody, research); 302-304 (copyright term).</p> |
| <p>102(b) (idea/expression dichotomy); 107 (fair use: criticism, comment, parody, research); 302-304 (copyright term).</p> |
| <p>117(c) (machine maintenance or repair); see also exceptions listed under NAICS 3341.</p> |