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著作權法的合理使用與個人使用

Fair Use and Personal Use in Copyright Law

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【摘要】

著作權制度並非以保護著作人權益為直接目的，反而是以促進國家文化發展為最終目標，合理使用原則在著作權法中扮演著平衡著作人私利及公共利益角力的重要地位，就著作權法的現代意義而言，合理使用原則也可引申出使用者權的觀念，更加鞏固著作權法的公益色彩；個人使用，意指使用者僅單純的使用著作，沒有藉使用著作而在著作權市場牟利之意圖，並可區分為未擁有著作物所有權的個人使用及擁有著作物所有權的個人使用二種型態，在法律適用上也有不同的考量。

【Abstract】

The aim of copyright system is indirectly to protect the rights of the author, even to promote the cultural development as its utmost target. The Principles of Fair Use take an important part in Copyright Law to balance the personal benefits of the author with the public benefits. In term of modern Copyright Law, the Principles of Fair Use can be explicated to have the idea of the user's right to secure that Copyright Law is colored with the public benefits. As to Personal Use, it means the user purely use the work, with no intend to gain the benefits by using the work from the copyright market. It can be divided into two types of Personal Use, one is without the ownership of the work, and the other is with the ownership of the work. Both have to be taken into different considerations for adopting into the Law.

關鍵詞：著作權，合理使用，個人使用，交易成本

Keywords: copyright, fair use, personal use, transaction cost

完整文章連結：<http://www.sunnylaw.com.tw/copyright-personal%20use.htm>

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