

PUBLIC RECORD RESEARCH SPECIMEN

When purpose changes the fair use analysis.

A source linked chronology, issue map, proposition matrix, and decision brief built from *Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith*, 598 U.S. 508 (2023).



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Prepared to demonstrate how Atlas turns an opinion, docket, statute, and procedural history into a usable research instrument. This specimen is educational and is not legal advice.

The commission brief

A useful work product begins by defining the decision it must support and the limits of what it can responsibly say.

Field	Defined commission
Question	What did the Supreme Court decide about the first fair use factor, and what distinctions matter when that decision is applied to a new use?
Audience	Counsel or a rights professional preparing an internal discussion, client interview, or research plan.
Record	The Supreme Court opinion, the Supreme Court docket, 17 U.S.C. §107, and the procedural history stated in the opinion.
Required output	A verified chronology, issue map, source to proposition matrix, concise findings, limits, and research questions.
Source standard	Controlling or official public sources first. No secondary commentary is necessary for the core findings.
Boundary	The specimen explains a public decision. It does not advise on a particular image, license, dispute, or litigation strategy.

WHY THIS RECORD

The decision is compact enough to inspect, consequential enough to matter, and narrow enough to expose a common research failure: treating an artistic work as though it has one fixed fair use character regardless of the specific use challenged.

The working rule

Analyze the use that is alleged to infringe. Do not substitute a general judgment about the work, the artist, or creativity for the statutory inquiry.

Executive findings

The result is narrow, but its discipline is broadly useful.

Finding	What the record supports	Confidence
The holding	The purpose and character of AWF's 2016 commercial license of Orange Prince to Condé Nast did not favor fair use.	Controlling
The decisive frame	The Court examined the challenged license, not every creation, display, or sale of the Prince Series.	Controlling
Purpose	Both uses supplied a portrait of Prince for a magazine story about Prince. Their purposes were substantially the same.	Controlling
Commercial character	AWF received \$10,000 for the license. Commerciality was relevant but not independently dispositive.	Controlling
New meaning	New expression, meaning, or message can matter, but does not automatically decide the first factor.	Controlling
What remains contextual	A different use of the same image could produce a different first factor analysis.	Expressly reserved

The practical consequence

A reliable fair use brief must identify the particular act of use, its audience, market function, commercial setting, asserted justification, and relationship to the original purpose before it evaluates transformation.

RECORD LIMIT

The Supreme Court considered only the first statutory factor because AWF did not challenge the Second Circuit's conclusions that factors two, three, and four favored Goldsmith.

Chronology overview

The chronology separates creation, license, publication, discovery, and litigation so that later characterizations do not replace earlier facts.

Date	Event	Source	Status
1981	Lynn Goldsmith photographs Prince after a Newsweek commission.	Opinion at 3 and syllabus at 1	Established
1984	Goldsmith licenses one photograph to Vanity Fair as an artist reference for one use. She is paid \$400 and credited.	Opinion at 1 to 2	Established
1984	Warhol creates the published purple image and fifteen additional Prince Series works from the photograph.	Opinion at 2 and 5	Established
1987	Warhol dies. AWF later obtains copyright in the Prince Series.	Opinion at 6	Established
2016	Condé Nast licenses Orange Prince from AWF for \$10,000 for a commemorative magazine cover.	Opinion at 6 to 7	Established
2016	Goldsmith sees the cover, learns of the series, and asserts infringement.	Opinion at 7	Established
2017	AWF files for declaratory relief. Goldsmith counterclaims.	Opinion at 7	Established
2019	District Court grants summary judgment to AWF on fair use.	382 F. Supp. 3d 312	Procedural
2021	Second Circuit reverses and later amends its opinion.	11 F.4th 26	Procedural
2023	Supreme Court affirms on the first fair use factor.	598 U.S. 508	Controlling

Chronology rule

The 1984 license and the 2016 license are not interchangeable. The later challenged use had a different licensee, image, fee, publication, and legal posture. Each belongs in its own row.

What changed between 1984 and 2016

The case becomes legible when the two publishing events are compared field by field.

Field	1984 event	2016 event
Licensor	Lynn Goldsmith through her agency	Andy Warhol Foundation
Licensee	Vanity Fair	Condé Nast
Licensed material	Goldsmith photograph as artist reference	Orange Prince image
Stated use	One time artist reference for an illustration	Cover image for a special magazine about Prince
Payment	\$400 to Goldsmith	\$10,000 to AWF
Credit	Goldsmith credited as source photographer	The opinion states Goldsmith received no payment for the 2016 use
Legal significance	Authorized source use within stated license limits	The challenged commercial use considered by the Supreme Court

Why the comparison matters

A summary that says only that Warhol transformed a photograph collapses the act of creation into every later exploitation. The Court instead required attention to the purpose and character of the particular use alleged to infringe.

The same copied work may be used in several contexts. A museum display, a critical essay, a sale of an original work, and a commercial magazine license do not necessarily present the same first factor question.

Issue map

The map keeps the holding, its reasoning, and its reserved questions from bleeding into one another.

Question	Record answer	Treatment
What use is challenged?	AWF's 2016 commercial licensing of Orange Prince to Condé Nast.	Threshold fact
What is the statutory issue?	Whether factor one favors AWF for that use.	Question presented
Do the uses share a purpose?	Yes. Both supplied a portrait of Prince for a magazine story about Prince.	Majority reasoning
Does Orange Prince add expression?	The Court assumed a perceptible difference but held it insufficient in this context.	Qualified
Does commerciality control?	No. It is weighed with the degree of difference and justification.	Express rule
Did the Court decide all Prince Series uses?	No. Creation, display, and sale of the original works were outside the holding.	Reserved
Did the Court rebalance all four factors?	No. Only factor one was challenged in the Supreme Court.	Procedural limit

RESEARCH CONSEQUENCE

Every later application should begin with the new use. If its purpose, market setting, justification, or relationship to the original differs, the Warhol result cannot simply be copied across.

The statutory frame

Section 107 requires four factors to be considered together. The Supreme Court addressed only the first factor in this appeal.

17 U.S.C. §107

The statute identifies purposes that may qualify as fair use, including criticism, comment, news reporting, teaching, scholarship, and research. It then directs consideration of four factors.

Factor	Inquiry	Status in this case
One	Purpose and character of the use, including commercial or nonprofit educational character	Supreme Court held it favored Goldsmith
Two	Nature of the copyrighted work	Second Circuit held it favored Goldsmith and AWF did not challenge that determination
Three	Amount and substantiality used	Second Circuit held it favored Goldsmith and AWF did not challenge that determination
Four	Effect on the potential market or value	Second Circuit held it favored Goldsmith and AWF did not challenge that determination

A disciplined formulation

Factor one asks whether and to what extent the later use has a purpose or character different from the original. The degree of difference is weighed with considerations including commerciality and the justification for copying.

Source: 17 U.S.C. §107 and the opinion at 12 to 20.

Source to proposition matrix

Each important proposition is tied to the best available official support and a stated limit.

Proposition	Best source	Limit or qualification
The sole question was factor one for the 2016 license.	Syllabus at 2 and opinion at 2	Not a decision on every Prince Series use
The 2016 license was commercial and valued at \$10,000.	Syllabus at 1 and opinion at 6	Commerciality is not dispositive alone
The original and secondary use shared substantially the same purpose.	Syllabus at 2 and opinion at 22 to 25	Purpose is assessed at the level of the challenged use
New expression can matter without deciding factor one.	Syllabus at 2 to 5 and opinion at 28 to 35	Degree and context remain essential
A different use may produce a different analysis.	Syllabus at 4 and opinion at 20 to 21	No prediction about any unrepresented use
Factors two, three, and four favored Goldsmith below.	Opinion at 38	AWF did not challenge those determinations in the Supreme Court
The vote was seven to two.	Opinion front matter	Gorsuch and Jackson also wrote separately

AUDIT NOTE

The table distinguishes an express holding from a reserved issue. That distinction prevents the final memorandum from saying more than the Court said.

The majority's reasoning

The analysis turns on the relationship among purpose, commercial character, degree of difference, and justification.

Analytical step	Application
Identify the use	The 2016 license to place Orange Prince on a special magazine about Prince.
Compare purposes	Goldsmith's photograph and Orange Prince both functioned as portraits illustrating magazine stories about Prince.
Assess degree of difference	Orange Prince could convey a different aesthetic or message, but that difference did not make the licensing purpose sufficiently distinct.
Assess commercial character	AWF received \$10,000. Commerciality weighed against fair use in the balance.
Test justification	The asserted commentary did not target Goldsmith's photograph, and the Court found no persuasive independent reason for copying it for this use.
State the result narrowly	Factor one favored Goldsmith for this specific license.

The compact rule

When the original and secondary use have substantially the same purpose, the secondary use is commercial, and no persuasive independent justification supports the copying, factor one is likely to weigh against fair use.

What the Court did not decide

The negative space around a holding is part of the work product, not a footnote to it.

- Whether Warhol's creation of every Prince Series work was fair use.
- Whether display of an original Prince Series work in a museum would receive the same first factor treatment.
- Whether sale of an original Prince Series work would receive the same treatment.
- Whether every artwork that changes the meaning or message of a photograph fails factor one.
- Whether commerciality alone defeats factor one.
- Whether the same image used in criticism directed at Goldsmith's photograph would present the same result.
- Whether a different factual record would alter the balance of all four statutory factors.

A common overstatement

Overbroad: The Supreme Court held that Warhol's Prince Series was not fair use.

Record faithful: The Supreme Court held that factor one did not favor AWF for its 2016 commercial license of Orange Prince to Condé Nast.

USE IN LATER RESEARCH

Before relying on this case, write the proposed use in one sentence. If that sentence is vague, the fair use analysis is not ready.

Where the opinions divide

The disagreement was not over the value of creativity. It concerned how factor one should recognize transformation without erasing derivative rights.

Point	Majority	Dissent
Primary emphasis	The objective purpose of the challenged use and the statutory balance	The creative transformation and new meaning of Warhol's work
Level of analysis	The 2016 license to illustrate a magazine about Prince	The artistic character and contribution of Orange Prince
Derivative rights	A broad meaning or message test could swallow the copyright owner's derivative right	The majority's approach risks constraining follow on creativity
Commerciality	Relevant and aligned with the same purpose here	Given too much practical weight in the majority's treatment
Result	Factor one favored Goldsmith	Factor one should have favored AWF

Opinion alignment

Justice Sotomayor wrote for seven Justices. Justice Gorsuch, joined by Justice Jackson, concurred. Justice Kagan, joined by Chief Justice Roberts, dissented.

The split is useful to a working reader because it reveals the pressure point: whether the creative transformation of the work or the purpose of the particular commercial use should dominate factor one.

Questions for the next matter

A precedent becomes useful when it improves the questions asked of a new record.

Question	Why it matters
What precise act is alleged to infringe?	Creation, display, reproduction, publication, licensing, and sale may present different uses.
Who is the audience and what job does the use perform?	Purpose is functional and contextual, not merely a label attached by the user.
Is the secondary use commercial?	Commerciality is relevant but must be weighed with purpose and justification.
Does the use target, comment upon, or reveal something about the original?	A justification tied to the original may strengthen a claim to distinct purpose.
How much expression was taken and why was that amount needed?	Factor three remains part of the complete statutory analysis.
Does the use occupy or threaten an existing or reasonable licensing market?	Factor four addresses actual or potential market substitution.
What facts are established and what is inference?	A fair use conclusion cannot be more reliable than the factual record beneath it.

NEXT RESEARCH STEP

Build a use specific fact table before writing conclusions. Include the work, act, actor, audience, purpose, market, consideration, amount taken, asserted justification, and evidence supporting each field.

Source ledger

The core conclusions rest on official sources that a reader can inspect directly.

ID	Source	Use in specimen	Authority
S01	Supreme Court opinion, 598 U.S. 508 (2023)	Facts, procedural history, question, holding, reasoning, limits, vote	Controlling federal decision
S02	Supreme Court docket, Case No. 21 869	Filing history, argument date, disposition record	Official docket
S03	17 U.S.C. §107	Statutory framework and four factors	Federal statute
S04	Andy Warhol Foundation v. Goldsmith, 11 F.4th 26 (2d Cir. 2021)	Appellate disposition as stated and cited by Supreme Court	Binding below, affirmed
S05	Andy Warhol Foundation v. Goldsmith, 382 F. Supp. 3d 312 (S.D.N.Y. 2019)	District Court disposition as stated and cited by Supreme Court	Reversed below

Citation discipline

The specimen uses the Supreme Court’s account for the core record. It does not convert party allegations or advocacy into established facts. A full matter would retain copies, retrieval dates, stable identifiers, page references, and any version differences in a working ledger.

CURRENCY

Sources were accessed for this specimen on 29 August 2026. A commissioned update would confirm subsequent authority, treatment, and jurisdiction specific law before reliance.

Method and professional boundary

This is the visible layer of a research system: enough structure to understand the answer and enough provenance to test it.

What the specimen demonstrates

- A defined commission before collection begins
- A chronology that separates legally distinct events
- An issue map that preserves scope and reserved questions
- A proposition matrix connecting claims to authority
- A source ledger with official public records
- A final form designed for briefing and further research

What it does not represent

This document is a public record research specimen. It was not commissioned by a client, does not describe confidential work, does not establish an attorney client relationship, and is not legal advice. No reader should rely on it for a live matter without qualified legal review and current research.

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