

**THE DOCTRINE OF FAIR USE IN THE DIGITAL ERA; A
COMPARATIVE STUDY OF SRI LANKA, AUSTRALIA,
AND THE UNITED STATES.**

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As a valuable intangible asset, Intellectual Property plays a significant role in the modern economic digital era. Among other Intellectual Property rights, copyright law seeks to strike a balance between the rights of the owner and users to manage and protect their businesses and work. In order to striking this copyright balance, fair use doctrine which emerged as an equitable common law principle in 19th century plays a major role in the Copyright law as a defense to the copyright infringement by users. Throughout the centuries there was a high judicial intervention to uphold this doctrine. However, with the rapid development of the internet threatened both copyright law and fair use doctrine in various forms. Therefore, the existing provisions of fair use in Intellectual Property law should be modified to satisfy the new challenges on copyright law which occur due to the expanding nature of digital environment. However, copyright owners manage to overcome the challenge up to a great extent by using technical protection measures and digital terms contracts. Moreover, anti-circumvention measures provide extra statutory protection to copyright owners. Therefore, the rights and the interests of the fair users have been seriously violated. However, with the help of judicial activism and legislature, the doctrine of fair use is still functioning for the benefit of the fair user in the modern internet era. In line with this argument this study is conducted to identify and analyze the deficiencies in current legal regime of fair use in Sri Lanka with compared to United States and Australia.

KEYWORDS- Intellectual Property, Fair use doctrine, Digitalization.