

**Iowa State Univ. Research Found., Inc., v. Am. Broad. Cos., Inc.,
621 F.2d 57 (2d Cir. 1980)**

Year	1980
Court	United States Court of Appeals for the Second Circuit
Key Facts	Plaintiff Iowa State University Research Foundation, Inc. owned the copyright for a student film that documented one of its student athletes preparing for the 1972 Munich Summer Olympics. Defendant ABC broadcast portions of the film without permission as part of its Olympics telecast, as well as part of subsequent telecasts. ABC asserted a fair use defense, claiming that it was engaged in disseminating the life history of an important public figure. ABC appealed the district court's ruling that its use of the student film was not fair use.
Issue	Whether it was fair use for a broadcaster to use portions of a student film that documented an Olympic athlete's preparations for Olympic competition for the purpose of reporting news about the athlete
Holding	The court held that defendant's use of plaintiff's film did not qualify as fair use. The court noted that while the defendant had the right to use any of the uncopyrightable facts contained in plaintiff's film, there was "no need to 'bodily appropriate' [plaintiff's] 'expression' of that information by utilizing portions of the actual film." The court also found that the two works at issue fulfilled the same function, thereby constricting the scope of fair use. Though only two and a half minutes of the twenty-eight minute film were used in the offending telecast, the court found that defendant used "essential" footage. The court further determined that defendant's use of the film had significant adverse effects on the market for plaintiff's work. Finally, the court determined that the fair use defense was unavailable to the defendant based on its conduct, as defendant copied the film while purporting to assess its value for possible purchase and repeatedly denied having ever used the film. Based on the equitable nature of the fair use doctrine, the court found that defendant's conduct was relevant in determining the fairness of its use.
Tags	Second Circuit; Film/Audiovisual; News reporting
Outcome	Fair use not found

Source: U.S. Copyright Office Fair Use Index. For more information, see <http://copyright.gov/fair-use/index.html>.