

**Wihtol v. Crow,
309 F.2d 777 (8th Cir. 1962)**

Year	1962
Court	United States Court of Appeals for the Eighth Circuit
Key Facts	Plaintiff Austris A. Wihtol owned the copyright for the musical composition <i>My God and I</i> . Plaintiff alleged that defendant-appellee Nelson Crow infringed <i>My God and I</i> by making and distributing an unauthorized arrangement of the work. As part of its ruling, the district court found that defendant's reproduction of the work was "fair use" because he did not intend to commit copyright infringement. Plaintiff appealed the district court's ruling.
Issue	Whether a lack of intent to commit copyright infringement supports a finding of fair use.
Holding	In reversing the district court, the circuit court held that "innocent intent" has no bearing on a fair use analysis. Specifically, the court stated: "[w]hatever may be the breadth of the doctrine of 'fair use,' it is not conceivable to us that the copying of all, or substantially all, of a copyrighted song can be held to be a 'fair use' merely because the infringer had no intent to infringe."
Tags	Eighth Circuit; Music
Outcome	Fair use not found

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