

**A.V. ex rel. Vanderhye v. iParadigms, L.L.C.,
562 F.3d 630 (4th Cir. 2009)**

Year	2009
Court	United States Court of Appeals for the Fourth Circuit
Key Facts	Defendant iParadigms, LLC offered subscriptions to a computerized system called Turnitin Plagiarism Detection Service (Turnitin) that enabled schools to monitor for plagiarism by digitally comparing student work. Schools could elect to archive student work in Turnitin's database for continued use in these digital comparisons. Plaintiffs, high school students, claimed that archiving their schoolwork without their permission infringed their copyrights in those works. The district court ruled that such archiving did not infringe plaintiffs' copyrights and constituted fair use. Plaintiffs appealed.
Issue	Whether unauthorized digital archiving of student papers for purposes of preventing plagiarism constituted fair use.
Holding	The appeals court upheld the district court: archiving student work for the purpose of detecting plagiarism constituted fair use. It deemed the use transformative because it was unrelated to the works' expressive content and was instead aimed at detecting and discouraging plagiarism. The court further held that the use did not undermine plaintiffs' right of first publication, because iParadigms did not publicly disseminate the works or make them available to any third party except the school. Finally, regarding the effect on the market for student papers, the court found that Turnitin did not create a market substitute for the papers. It did suppress demand for reuse of the papers by later students, but copyright law does not protect against this kind of harm.
Tags	Fourth Circuit; Computer program; Education/Scholarship/Research; Internet/Digitization; Textual work
Outcome	Fair use found

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