

**Chi. Bd. of Educ. v. Substance, Inc.,
354 F.3d 624 (7th Cir. 2003),
cert. denied, 543 U.S. 816 (2004)**

Year	2003
Court	United States Court of Appeals for the Seventh Circuit
Key Facts	Plaintiff Chicago Board of Education owned the copyright to several secure tests. Defendant, a Chicago public school teacher, published six of the secure tests in a local newspaper, <i>Substance</i> , to demonstrate the tests' inadequacy. <i>Substance</i> was also named a defendant. The district court ruled against fair use, and defendants appealed.
Issue	Whether defendant's reproduction of plaintiff's secure exams in a local newspaper to demonstrate the exams' inadequacy was fair use.
Holding	The Seventh Circuit rejected defendants' fair use argument, finding that they published more of the exams than was necessary to make the point that some of the questions were flawed. The court also found that the defendants' actions destroyed the value of the exams: although there was no market for the exams, the plaintiff could not reuse the exam questions after they had been published.
Tags	Seventh Circuit; Review/Commentary; Textual work
Outcome	Fair use not found

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