

**Worldwide Church of God v. Phila. Church of God, Inc.,
227 F.3d 1110 (9th Cir. 2000)**

Year	2000
Court	United States Court of Appeals for the Ninth Circuit
Key Facts	Plaintiff World Wide Church of God, a nonprofit religious organization, owned the copyright for an out-of-print book entitled <i>Mystery of the Ages</i> . Defendant Philadelphia Church of God, Inc., also a nonprofit religious organization, began copying <i>Mystery of the Ages</i> in its entirety and distributing large numbers of copies to its membership and to the public. Plaintiff appealed the district court's ruling that reproduction of the work "for non-profit religious and educational purposes" was "reasonable."
Issue	Whether defendant's reproduction and distribution of plaintiff's out-of-print work was a fair use.
Holding	Reversing the district court, the circuit court held that defendant's use of the work was not fair use. The court determined that defendant's reproduction of the text was neither transformative nor purely noncommercial. The court further held that, despite defendant's classification of the text as an "historical account," it possessed a sufficient amount of "creativity, imagination and originality" to "tilt the scale against fair use." The court also held that defendant's copying of the entire work weighed against a finding of fair use. Finally, the court held that defendant's reproduction and distribution of the text would have a negative impact on both the work's current value as a "marketing device" and the market for any future derivative versions of the text.
Tags	Ninth Circuit; Textual work
Outcome	Fair use not found

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