

**Caner v. Autry,
16 F. Supp. 3d 689 (W.D. Va. 2014)**

Year	2014
Court	United States District Court for the Western District of Virginia
Key Facts	Plaintiff Caner, a public figure in the evangelical Christian community, spoke and wrote to numerous audiences throughout the United States about his upbringing as a Muslim and his conversion to Christianity. In 2010, a public controversy emerged regarding the veracity of plaintiff's description of his background. Defendant Autry posted two videos of plaintiff delivering presentations (the "Count One Video" and the "Count Two Video") to "YouTube" and other websites. The videos allegedly supported claims that plaintiff had fabricated aspects of his background. In 2013, plaintiff filed a complaint, asserting defendant's unauthorized copying and posting of the videos infringed his copyright in the presentations. Defendant filed a motion for summary judgment, claiming his use of the videos to comment on the veracity of plaintiff's statements therein was fair use.
Issue	Whether reproducing a copyright-protected presentation for the purpose of commenting on the veracity of statements made in the presentation constitutes fair use.
Holding	The court held that defendant's use of the Count One Video was fair use, and dismissed plaintiff's Count Two Video claim on grounds that plaintiff did not satisfy the prerequisites for filing a copyright infringement suit. Regarding the Count One Video, the court found that all four statutory fair use factors favored a finding of fair use. The court determined that the purpose of defendant's use (to comment on the veracity of plaintiff's statements and to "expose" contradictions and 'dishonesty' in the testimony of a well-known evangelist") was critical in character and sufficiently transformative to weigh in favor of fair use. The court also found that the factual nature of the work weighed in favor of fair use. Regarding the amount and substantiality of the work used, the court found that the critical nature of the use warranted reproduction of the work in its entirety. Finally, regarding the potential impact of defendant's use on the market for the work, the court held that "[d]efendant's use has the potential to suppress demand through forceful criticism <i>rather than</i> the potential to usurp demand or profit by using Plaintiff's original work in a similar fashion. Therefore, the effect of the alleged infringement on the value of Plaintiff's work, or on the market for that work, does not weigh against finding fair use." (emphasis original).
Tags	Fourth Circuit; Film/Audiovisual; Review/Commentary
Outcome	Fair use found

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