

**DC Comics Inc. v. Reel Fantasy, Inc.,
696 F.2d 24 (2d Cir. 1982)**

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| Year | 1982 |
| Court | United States Court of Appeals for the Second Circuit |
| Key Facts | Plaintiff DC Comics Inc. owned copyrights for numerous comic strip characters that appear in stories with fictional characters Batman and Green Arrow. Defendant Reel Fantasy, Inc. owned a chain of stores that sold books, movie memorabilia, and comics, including Batman and Green Arrow comics. On at least two occasions, defendant used drawings of Batman and Green Arrow figures in its advertising flyers. Plaintiff appealed the district court's ruling in defendant's favor. |
| Issue | Whether the unauthorized use of copyrighted characters in advertising flyers for a store that sold books, movie memorabilia, and comics, including comics about those characters, constituted fair use. |
| Holding | The court of appeals reversed the district court's grant of summary judgment for defendants because it could not say "as a matter of law that a fair use defense will succeed." The court pointed to several issues that brought into question defendant's fair use defense: the advertising flyers were commercial in nature; the use was an "alleged overall appropriation of DC's property in the Batman character;" and although defendant claimed that its flyers led to increased sales in plaintiff's comics, plaintiff had the right to license its works and was in the best position to balance increased sales against licensing revenue. The court remanded the case back to the district court. |
| Tags | Second Circuit; Painting/Drawing/Graphic |
| Outcome | Preliminary ruling, mixed result, or remand |

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