

**Hofheinz v. Discovery Commc'ns, Inc.,
No. 00 CIV. 3802 (HB) (S.D.N.Y. Sep. 20, 2001)**

Year	2001
Court	United States District Court for the Southern District of New York
Key Facts	Plaintiff Hofheinz owned the copyright in several films, including <i>I Was A Teenage Werewolf</i> (<i>Werewolf</i>), <i>I Was A Teenage Frankenstein</i> (<i>Frankenstein</i>), and <i>Invasion of the Saucerman</i> (<i>Saucerman</i>). Defendant Discovery Communications, Inc. used clips from <i>Werewolf</i> and <i>Frankenstein</i> in a documentary titled <i>100 Years of Horror</i> . Defendant also used clips from the <i>Saucerman</i> trailer in a documentary about the history of aliens in films titled <i>Aliens Invade Hollywood</i> (<i>Aliens</i>).
Issue	Whether the unauthorized use of clips from movies involving aliens for a documentary about the history of aliens in film constituted fair use.
Holding	The court dismissed the claims relating to <i>Frankenstein</i> and <i>Werewolf</i> and focused only on <i>Saucerman</i> for its fair use analysis. The court held that defendant's use of the <i>Saucerman</i> clips in <i>Aliens</i> was fair. It determined that defendant made transformative use of the clips in a "documentary-style program" and that documentaries are generally entitled to the presumption that their use of copyrighted material is fair. The court also found that the second factor weighed slightly in plaintiff's favor because <i>Saucerman</i> was no longer shown in theaters and was not available for rent in stores. Finally, the court determined that defendant's use of <i>Saucerman</i> clips in <i>Aliens</i> consisted of less than 1% of <i>Saucerman</i> , which did not constitute the heart of the original work, and did not produce any demonstrable impact on the "diminutive" market for the original work or for clips from the original work.
Tags	Second Circuit; Education/Scholarship/Research; Film/Audiovisual; Review/Commentary
Outcome	Fair use found

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