

**Wright v. Warner Books, Inc.,
953 F.2d 731 (2d Cir. 1991)**

Year	1991
Court	United States Court of Appeals for the Second Circuit
Key Facts	Defendant Margaret Walker, an author associated with the Chicago African-American literary movement, wrote an unauthorized biography of renowned author and poet Richard Wright. Defendant Warner Books, Inc. published the biography, which paraphrased and quoted from a selection of Wright's unpublished works, such as journal entries and letters. Plaintiff Ellen Wright, Wright's widow, appealed the district court's judgment that Walker's use of her deceased husband's unpublished works was fair use.
Issue	Whether defendants' unauthorized reproduction of excerpts and paraphrased excerpts of an author's unpublished works in a biography about that author was fair use.
Holding	Agreeing with the district court, the circuit court held that defendants' unauthorized reproduction of excerpts and paraphrased excerpts from the unpublished works was fair use. To reach that conclusion, the court relied on its findings that the "analytic research" contained in defendants' work was transformative because it "added value" to the original works. The court also found that the excerpts used were neither the "heart" of the unpublished works nor a quantitatively significant portion of the works. Finally, the court found that defendants' work did not pose a "significant threat to the potential market" for the unpublished works.
Tags	Second Circuit; Education/Scholarship/Research; Textual work; Unpublished
Outcome	Fair use found

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