

**Folsom v. Marsh,
9 F. Cas. 342 (C.C.D. Mass. 1841)**

Year	1841
Court	United States Circuit Court for the District of Massachusetts
Key Facts	Plaintiff Jared Sparks, who owned copyrights in President Washington's personal and official papers that he edited for <i>The Writings of George Washington</i> , published a twelve-volume work including President Washington's papers with plaintiff publisher Folsom, Wells and Thurston. Defendant Reverend Charles Upham, a writer and anthologist, copied 353 pages of President Washington's papers in the two-volume work <i>The Life of Washington in the Form of an Autobiography</i> , published by defendant Marsh, Capen and Lyon. Plaintiffs alleged that defendants infringed their copyrights because Upham copied the papers verbatim from Spark's book.
Issue	Whether defendant's verbatim use of the protected letters constituted an "act of piracy" under the 1841 copyright law.
Holding	The court found that defendant's use of plaintiff's letters was not fair use. In reaching this conclusion, the court recognized principles that are the foundations for the modern fair use doctrine, stating: "In short, we must often, in deciding questions of this sort, look to the nature and objects of the selections made, the quantity and value of the materials used, and the degree in which the use may prejudice the sale, or diminish the profits, or supersede the objects, of the original work."
Tags	First Circuit; Education/Scholarship/Research; Textual work
Outcome	Fair use not found

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