

**Nat'l Rifle Ass'n of Am. v. Handgun Control Fed'n of Ohio,
15 F.3d 559 (6th Cir. 1994)**

Year	1994
Court	United States Court of Appeals for the Sixth Circuit
Key Facts	Plaintiff the National Rifle Association of America (NRA), which lobbies officials and educates the public in support of the ownership of firearms, mailed two letters to its membership urging them to oppose bills pending in the Ohio state legislature. Accompanying each letter was a three-page list of all Ohio state legislators and their corresponding contact information. The list included asterisks next to the names of members of legislative committees relevant to the pending bills. A short paragraph explaining why certain names had been marked with asterisks was at the bottom of the list. In response, defendant Handgun Control Federation of Ohio, which advocated gun control, mailed a letter to its members urging them to support the bills plaintiff opposed. Attached to defendant's letter was the photocopied, though slightly modified, listing of Ohio State legislators that plaintiff used in its mailing. Defendant appealed the district court's ruling in plaintiff's favor.
Issue	Whether defendant's unauthorized duplication and use of plaintiff's list of state legislators constitutes fair use.
Holding	<p>The court held that the defendant's use of the list of legislators was fair. The court found that the first and fourth factors weighed in favor of finding fair use, reasoning that defendant, a non-profit organization, had made a noncommercial use of the legislator list with no attempt to sell it. Further, the court noted that the list contained information so readily attainable that no market likely existed for it, and found that the distribution—to only 200 people—was not particularly damaging. The court also found that the document was used primarily to exercise defendant's First Amendment speech rights to comment on public issues and to petition the government regarding pending legislation. Indicating that the scope of the fair use doctrine is wider when the use relates to issues of public concern, the court found that this factor weighed in defendant's favor.</p> <p>Finally, for the second and third factors, the court found that the list at issue was entirely factual and that defendant copied only the list and not the copyrighted NRA letters, weighing in favor of fair use.</p>
Tags	Sixth Circuit; Textual work
Outcome	Fair use found

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