

**Robinson v. Random House, Inc.,
877 F. Supp. 830 (S.D.N.Y. 1995)**

Year	1995
Court	United States District Court for the Southern District of New York
Key Facts	Plaintiff Jack Robinson admitted that his manuscript <i>American Icarus: The Majestic Rise and Tragic Fall of Pan Am</i> appropriated either “verbatim or through close paraphrasing” at least twenty-five to thirty percent of defendant Random House, Inc.’s book on the same topic, <i>American Saga: Juan Trippe and His Pan Am Empire</i> . Plaintiff added only an introduction and three concluding chapters. Because defendant refused to publish plaintiff’s infringing work and refused to grant plaintiff permission to use its copyrighted material, plaintiff asked the court to declare that his manuscript did not infringe defendant’s work.
Issue	Whether plaintiff’s copying from defendant’s nonfiction manuscript for his own nonfiction account of the same or closely related historical events was fair use.
Holding	After determining that the material taken by plaintiff was in fact protected by copyright, the court granted defendant’s motion for summary judgment, finding that “[g]iven the undisputed facts and the obvious extent of wholesale copying in this case, it is clear that no reasonable jury could make a finding of fair use.” While the nature of defendant’s work as a nonfiction historical work weighed in favor of fair use, the court found plaintiff’s use of the work to be little more than a non-transformative “updated abridgement” of defendant’s book. The court further found that plaintiff’s work harmed existing and potential markets for defendant’s work by acting as a mere market substitute for the original.
Tags	Second Circuit; Textual work
Outcome	Fair use not found

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