

**Am. Geophysical Union v. Texaco, Inc.,
60 F.3d 913 (2d Cir. 1995)**

Year	1995
Court	United States Court of Appeals for the Second Circuit
Key Facts	Plaintiffs, including American Geophysical Union and eighty-two other publishers, sold scientific journal subscriptions to defendant Texaco, Inc. They alleged that Texaco's four to five hundred employees infringed their copyrights by repeatedly photocopying individual journal articles without permission and distributing them widely. The district court allowed this interlocutory appeal after ruling it was not fair use for employees to copy plaintiffs' journal articles.
Issue	Whether it was fair use for a company's employees to photocopy articles from subscription journals that related to their work.
Holding	Affirming the district court, the Second Circuit held that defendant's unauthorized copying of the journal articles was not fair use. In reaching its conclusion, the court found that defendant's actions were "part of a systematic process of encouraging employee researchers to copy articles so as to multiply available copies while avoiding payment." Specifically, the court found that employees were simply making copies for convenience, which it did not consider to be a transformative use. Further, the court found that the employees were copying articles in their entirety, and such copying interfered with the commercial value publishers derive from the articles via subscriptions and licensing agreements.
Tags	Second Circuit; Education/Scholarship/Research; Textual work
Outcome	Fair use not found

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