

**Bill Graham Archives v. Dorling Kindersley Ltd.,
448 F.3d 605 (2d Cir. 2006)**

Year	2006
Court	United States Court of Appeals for the Second Circuit
Key Facts	Plaintiff Bill Graham Archives owned copyrights in artistic images originally used on concert posters and tickets to promote events for the rock band the Grateful Dead. Defendant Dorling Kindersley Publishing (DK) sought permission from plaintiff to reproduce images of seven such posters and tickets in a 480-page cultural history of the group titled <i>Grateful Dead: The Illustrated Trip</i> . After the parties failed to reach an agreement, DK nevertheless reproduced and displayed the posters and tickets. When DK refused to pay license fees for use of the posters and tickets after publishing the book, plaintiff sued for infringement. Plaintiff appealed the district court's ruling that DK's reproduction of the images in the book was fair use.
Issue	Whether it was fair use for defendants to reproduce Grateful Dead concert posters and tickets for publication in a book on the band's history without permission from the copyright owner of the artwork that appears on the posters and tickets.
Holding	The court upheld the district court's ruling that defendants' copying of the images was fair use. It reasoned that defendant's use of the concert posters and tickets "as historical artifacts of Grateful Dead performances is transformatively different from the original expressive purpose of [the] copyrighted images." The court also reasoned that the fact that the images were copied in their entirety did not weigh against fair use because "the reduced size of the images" was consistent with plaintiff's transformative purpose. Additionally, the court found that the plaintiff's use did not harm the market for defendant's sale of the copyrighted artwork.
Tags	Second Circuit; Painting/Drawing/Graphic
Outcome	Fair use found

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