

**Nat'l Ctr. for Jewish Film v. Riverside Films, L.L.C.,
No. 5:12-cv-00044-ODW (DTB) (C.D. Cal. Sept. 14, 2012)**

Year	2012
Court	United States District Court for the Central District of California
Key Facts	Defendant Riverside Films, LLC produced <i>Sholem Aleichem: Laughing in the Darkness</i> , a feature length documentary about the life of a 19 th Century Yiddish author and, more broadly, Jewish history. Plaintiff National Center for Jewish Film (NCJF) alleged that defendant infringed its copyrights by using film clips from four of its films without permission, including <i>Yiddle with His Fiddle</i> , <i>A Letter to Mother</i> , <i>Tevye the Milkman</i> and <i>Jewish Luck</i> .
Issue	Whether defendant's unauthorized use in its documentary film of four clips taken from plaintiff's films was fair use.
Holding	The court held that defendant's use of the clips from the NCJF films was fair use. The court found defendant's use to be transformative because it combined the NCJF clips with other clips and added scholarly commentary that amounted to "more than mere narration." The court also determined that the NCJF clips were old and tentatively in the public domain, weighing in favor of fair use. The court also found that the portion of plaintiff's films that defendant reproduced was acceptable because the use was both quantitatively (only a maximum of 1.5% percent of each of the films) and qualitatively minimal (the clips did not include the heart of the works). Lastly, the court held that defendant's use would not have an effect on the market for plaintiff's films as "the [c]ourt is unconvinced that the use of the copyrighted clips . . . would dissuade consumers from patronizing the original full-length films."
Tags	Ninth Circuit; Education/Scholarship/Research; Film/Audiovisual
Outcome	Fair use found

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