

**Bouchat v. Balt. Ravens Ltd. P’ship,
619 F.3d 301 (4th Cir. 2010)**

Year	2010
Court	United States Court of Appeals for the Fourth Circuit
Key Facts	Plaintiff Bouchat drew and proposed a team logo for the Baltimore Ravens. In 2000, the Fourth Circuit held that the Ravens’ use of a similar logo design between 1996 and 1998 infringed Bouchat’s copyright. In 2008, Bouchat initiated this action against the Ravens and various NFL-affiliated entities, alleging that defendants infringed his logo by using it in a Ravens corporate lobby display and in highlight reels from the 1996-1998 season, shot when the team had used the logo previously found to be infringing, and not since re-edited. The district court ruled that both uses were fair use. Bouchat appealed.
Issue	Whether defendants’ unauthorized use of plaintiff’s team logo artwork in its corporate lobby and in highlight reels of past games constituted fair use.
Holding	<p>Regarding the 1996-1998 highlight reels, the court held that defendants’ use of the logo was not fair use. The court found that the use was not transformative because the logo’s appearance in the highlight films served the same purpose of identifying the Ravens that it did when defendants first infringed Bouchat’s copyright. That the artwork was creative in nature and was used in its entirety in the films also weighed against fair use. Finally, the market effect of the use weighed against fair use, given that licensing of the logo during the 1996-1998 seasons constituted a potential market for the logo, and a market also existed for licensing historic logos.</p> <p>The court held that the use of the logo on memorabilia displayed in the corporate lobby was fair use. The lobby was dedicated to illustrating the team’s history and was open to the public free of charge, and the court likened this to “fair use of a work for teaching, . . . scholarship, or research.” The court also found that the nature of the use was non-commercial. As to the amount, it would not have been possible to achieve the transformative purpose of exhibiting memorabilia from past seasons without using the entire work. Finally, plaintiff had offered no evidence of market harm as a result of the display, which weighed in favor of fair use.</p>
Tags	Fourth Circuit; Education/Scholarship/Research; Film/Audiovisual; Painting/Drawing/Graphic
Outcome	Preliminary ruling, mixed result, or remand

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