

**Encyclopedia Britannica Educ. Corp. v. Crooks,
542 F. Supp. 1156 (S.D.N.Y. 1982)**

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| Year | 1982 |
| Court | United States District Court for the Southern District of New York |
| Key Facts | Defendants the Board of Educational Services (BOCES) in Erie County, N.Y., and its officers and directors, operated a videotape library that included a duplication program and a film print library. BOCES did large-scale recording and reproduction of educational programs originally transmitted over public airways. It distributed the programming to educational institutions via videotape or closed circuit cable television transmissions. Plaintiffs, businesses that commercially produce and license audiovisual educational programming, alleged that BOCES infringed nineteen of their works by reproducing, distributing, and performing them. |
| Issue | Whether a video library's unauthorized recording and subsequent distribution of educational programming to schools for classroom use constituted fair use. |
| Holding | The court ruled that the defendants' unauthorized recording and distribution of the protected works to schools did not constitute fair use. Although the court recognized that the purpose and character of the use was non-commercial and educational, it found that the massive scope of the copying significantly outweighed this purpose. The court also recognized the public benefit served by the dissemination of educational materials, but held that the readily available nature of the programs through traditional means warranted greater protection to the plaintiffs' works. Furthermore, the court found that the substantial identical copying of the programs did indeed harm the market for plaintiffs' works. The court rejected defendants' claim that their use was fair because plaintiffs had "voluntarily licensed their copyrighted works for broadcast over the airways" where they could be "received by the public free of any costs." In rejecting the argument, the court cited House and Senate Reports that considered similar limited actions permissible, but distinguished such actions from defendant's "massive and systematic" copying. |
| Tags | Second Circuit; Education/Scholarship/Research; Film/Audiovisual; Format shifting/Space shifting |
| Outcome | Fair use not found |

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