

**Twin Peaks Prods., Inc. v. Publ'ns Int'l, Ltd.,  
996 F.2d 1366 (2d Cir. 1993)**

Year	1993
Court	United States Court of Appeals for the Second Circuit
Key Facts	Plaintiff Twin Peaks Productions, Inc. owned the television serial drama <i>Twin Peaks</i> that was first televised in 1990. Defendant Publications International, Ltd. published a book titled “ <i>Welcome to Twin Peaks: A Complete Guide to Who’s Who and What’s What.</i> ” Defendant’s book, based on the first eight episodes of the television series, contained content discussing various aspects of the series, including the series’ characters, creators, producers, location, music, and popularity. Beyond this, the book contained a chapter devoted to the detailed recounting of the first eight episodes’ plots. Defendant appealed the district court’s ruling that its book infringed plaintiff’s work.
Issue	Whether defendant’s use of a copyright protected television series to create a book based on the series was fair use.
Holding	The court held that defendant’s unauthorized use of aspects of the television series was not fair use. The court found that defendant’s detailed recounting of the show’s plotlines went far beyond merely identifying their basic outline for the transformative purposes of comment or criticism. The court found that the plot synopses contained in defendant’s book were essentially “abridgments,” which are protected as derivative works. Because the plot synopses were so detailed, and in fact lifted many sections verbatim from the original scripts, the court found that defendant copied a substantial amount of plaintiff’s original works. The court also found that the defendant’s book affected the market or potential market for plaintiff’s protected work because a viewer may potentially use defendant’s detailed plot synopses as a substitute for viewing particular episodes of the series. Finally, there was evidence of an active derivative market for the original copyrighted work—plaintiff had licensed at least two “Twin Peaks” books and had plans to license more—demonstrating that the defendant’s book competes in plaintiff’s markets.
Tags	Second Circuit; Education/Scholarship/Research; Film/Audiovisual; Review/Commentary; Textual work
Outcome	Fair use not found

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