Wilder v. Hoiland
24-1436, 2025 WL 783642 (2d Cir. Mar. 12, 2025)

Year	2025
Court	United States Court of Appeals for the Second Circuit
Key Facts	Plaintiff, Esther Wilder, and Defendant, Sarah Hoiland, are both faculty members in the City University of New York ("CUNY") system. Wilder is a tenured professor of sociology and Hoiland is an associate professor of sociology. Wilder conducted a five-year study from 2011 to 2016 about including quantitative reasoning into CUNY courses and then wrote text for eight sub-units, including Unit 7H, that were incorporated into a faculty development course at CUNY. In February 2019, Hoiland gave a presentation that included some of Wilder's Unit 7H text to participants in a "breakout" session at a community college conference. Wilder sued Hoiland for copyright infringement. Both parties filed motions for summary judgment and other relief. The district court granted Hoiland's summary judgment motion, finding fair use, and denied the parties' other motions. Wilder appealed.
Issue	Whether using text from a faculty development course based on a five-year study during a presentation discussing the results from that underlying study is fair.
Holding	The first factor, the purpose and character of the use, favored fair use because "Hoiland's use of the Unit 7H text was distinctly different from Wilder's original intent and purpose in creating the material." Wilder "wrote Unit 7H as a subunit within a faculty development course she designed to improve teachers' ability to teach quantitative reasoning[,]" while Hoiland used sections of the Unit 7H text as a visual aid during a presentation to community college employees "to comment on the successes and failures of the program and educate those interested in setting up similar initiatives." The panel found that the district court correctly determined that Hoiland's use "was sufficiently transformative" and among the paradigmatic examples in the statutory preamble to the fair use factors (namely, comment, teaching, and scholarship). The second factor, the nature of the copyrighted work, also favored fair use with the court noting that "Wilder does not dispute that Unit 7H is factual and informational." The third factor, the amount and substantiality of the portion used, weighed slightly against fair use, because Hoiland used a substantial portion, two-thirds of the Unit 7H text, but not the heart of the work. Even so, the panel questioned whether the subunit was the appropriate denominator when analyzing this factor, noting that "Unit 7H is a subunit of one of eight units comprising a cohesive course curriculum on quantitative reasoning" and the record suggested that Wilder intended the eight sections of the course to be a single work yet only registered "a copyright over a single subunit to facilitate this suit." Finally, the fourth factor, the effect upon the potential market for or value of the original work, weighed in favor of fair use. The panel adopted the district court's analysis that, given the academic context, the potential market for Unit 7H is limited and "Hoiland's one-time use does not prevent Wilder from capitalizing on whatever market may exist." Concluding that the first, second, and fourth factors favored fair use, while the third factor did not, the panel determined that "the district court did not err in concluding that Hoiland was entitled to summary judgment on her fair use affirmative defense" and did not address the parties' other summary judgment arguments.
Tags	Education/Scholarship/Research; Textual Work
Outcome	Fair use found

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