

**Arica Inst., Inc. v. Palmer,
970 F.2d 1067 (2d Cir. 1992)**

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| Year | 1992 |
| Court | United States Court of Appeals for the Second Circuit |
| Key Facts | Plaintiff Arica Institute, Inc. owned the copyrights for approximately forty-seven self-help training manuals, books, and journals based on the teachings of its founder, Oscar Ichazo. Plaintiff maintained the materials at special training centers, and required trainees to return the materials after use. Defendants, author Helen Palmer and Harper & Row Publishers, Inc., published <i>The Enneagram: Understanding Yourself and the Others in Your Life</i> . That book contained three short passages that were substantially similar to passages in one of Ichazo's books, and also adopted the labeling conventions of charts in plaintiff's books. Plaintiff claimed that defendants violated its copyrights, while defendants claimed fair use. |
| Issue | Whether defendants' unauthorized copying of several text passages and labeling conventions from plaintiff's copyrighted works constituted fair use. |
| Holding | The court held that defendants' unauthorized use of the copyright-protected aspects of plaintiff's works constituted fair use. The court found that, the concurrent commercial purpose of defendant's work notwithstanding, defendants' use fit easily into the purposes of criticism, comment, scholarship, or research, because while defendants included aspects of plaintiff's works, defendants built on and considerably expanded upon those works. As to the nature of the work, plaintiff's work was published, so the scope of allowable fair use was broader. As to the amount of plaintiff's work, defendants used only minor portions of the overall work, and the labeling conventions were an insubstantial portion of that work. Finally, with respect to the effects on the market for the work, the relevant market effect is that which stems from the use of the copied expression. Although defendants' book would compete with plaintiff's works, the market effect of the copied portions would be minuscule. |
| Tags | Second Circuit; Education/Scholarship/Research; Painting/Drawing/Graphic; Review/Commentary; Textual work |
| Outcome | Fair use found |

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