

Kienitz v. Scornie Nation, LLC,
766 F.3d 756 (7th Cir. 2014)
cert. denied 135 S. Ct. 1555 (2015)

Year	2014
Court	United States District Court for the Northern District of Illinois
Key Facts	Plaintiff photographer Michael Kienitz owned the copyright to a 2011 photo of Madison, Wisconsin Mayor Paul Soglin. Defendant Scornie Nation, LLC reproduced aspects of plaintiff's photo on a small batch of t-shirts and tank tops and sold them in connection with a Madison, Wisconsin block party event. The design that appeared on the t-shirts and tank tops included a "posterized" version of plaintiff's photograph with the background removed and the mayor's face turned lime green. Plaintiff filed suit, claiming defendants' unauthorized use of the photograph violated his copyright.
Issue	Whether defendants' unauthorized reproduction of aspects of plaintiff's photograph on a small batch of t-shirts and tank tops was fair use.
Holding	The court found that defendants' use was fair use. In reaching its conclusion, the court emphasized its findings that defendants' use did not reduce the demand for plaintiff's photograph and served as a permissible compliment, rather than a prohibited substitute, to the photograph. The court also found that the extent of defendants' copying in relation to the whole of the copyrighted work was minimal, amounting to "a hint of [the mayor's] smile" and "the outline of his face."
Tags	Seventh Circuit; Photograph
Outcome	Fair use found

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