

**Monster Commc'ns, Inc. v. Turner Broad. Sys., Inc.,
935 F. Supp. 490 (S.D.N.Y. 1996)**

Year	1996
Court	United States District Court for the Southern District of New York
Key Facts	Plaintiff Monster Communications, Inc. owned the film rights for the movie <i>When We Were Kings</i> (<i>Kings</i>) that contained historic footage documenting the 1974 title boxing match, often called the “Rumble in the Jungle,” between Mohammed Ali and George Foreman. Defendant Turner Broadcasting System, Inc. made the documentary <i>Ali—The Whole Story</i> (<i>Story</i>), which contained “a number of film clips, aggregating approximately between forty-one seconds and two minutes, that appear in <i>Kings</i> and allegedly are owned by Monster.” Plaintiff sued Turner for infringing its copyright in the historic film footage, seeking to enjoin the company from exhibiting the documentary.
Issue	Whether defendant would be likely to establish that its use of plaintiff’s historic film footage in a documentary constituted fair use.
Holding	The court denied plaintiff’s motion for injunctive relief because it concluded that defendant was likely to prevail on its argument that use of the historic footage in its documentary was a fair use. In reaching that conclusion, the court found that defendant’s work, while commercial in nature, “undeniably constitute[d] a combination of comment, criticism, scholarship and research.” The court also determined that the amount used weighed in favor of finding fair use because the footage used was not the focus of defendant’s documentary. Additionally, the court found that defendant’s use of the footage was unlikely to harm the market for plaintiff’s work because the use was “too few, too short, and too small in relation to the whole. If the broadcast of [<i>Story</i>] impacts [<i>Kings</i>]’ reception, it almost surely will be as a result of their common subject, not the minute or so of common footage.” Finally, the historic nature of the allegedly infringed films clips also supported a finding of fair use.
Tags	Second Circuit; Education/Scholarship/Research; Film/Audiovisual; Review/Commentary
Outcome	Preliminary ruling, mixed result, or remand

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