

**Princeton Univ. Press v. Mich. Document Servs., Inc.,
99 F.3d 1381 (6th Cir. 1996)**

Year	1996
Court	United States Court of Appeals for the Sixth Circuit
Key Facts	Defendant Michigan Document Services, Inc. is a commercial photocopy shop that reproduced substantial segments of written materials that were assigned reading for University of Michigan courses. Defendant assembled the photocopied material into “coursepacks” that it offered for sale to students for use in their studies to fulfill reading assignments. Plaintiffs are publishers who owned copyrights for the assigned reading materials defendant used to create the coursepacks. The publishers asserted that defendant photocopy shop was prohibited from copying and distributing their works without their permission. Defendant appealed the district court’s ruling that using the copyrighted works in the coursepacks was not protected by the fair use doctrine.
Issue	Whether defendant photocopy shop’s unauthorized reproduction and distribution of plaintiffs’ copyright protected works for use as assigned student course material constituted fair use.
Holding	The court held that defendant’s commercial exploitation of the protected works did not constitute fair use. In its analysis, the court weighed the fact that defendant was a “commercial enterprise” copying protected works “on a profit-making basis” against a finding of fair use. The court clarified that while the educational use to which students put the course packs was noncommercial in nature, the challenged use in this case was the defendant’s unauthorized commercial duplication of plaintiffs’ copyrighted works. The court found defendant’s non-transformative, verbatim copying would cause a significant adverse impact on the potential market for the works. Factoring into the court’s decision was its finding that there was an established market in which copyright owners frequently licensed segments of their works to copy shops for reproduction and sale to students and that, should defendant’s conduct become widespread, plaintiffs’ licensing revenue stream would “shrivel.” Also weighing against a finding of fair use were the court’s findings that some of the works contained in the course packs were excerpts of creative material; that the length of most of the segments included in the course packs (in relation to entire versions) were “not insubstantial;” and that the qualitative value of the excerpts was high in light of the fact that it is normal practice for professors to choose the most important or significant portions of materials.
Tags	Sixth Circuit; Education/Scholarship/Research; Textual work
Outcome	Fair use not found

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