

**Triangle Publ'ns, Inc. v. Knight-Ridder Newspapers, Inc.,  
626 F.2d 1171 (5th Cir. 1980)**

Year	1980
Court	United States Court of Appeals for the Fifth Circuit
Key Facts	Defendant-appellee Knight-Ridder Newspapers, Inc., which published the <i>Miami Herald</i> , published a “television booklet” providing television program listings. To promote its “television booklet,” defendant ran print advertisements displaying actual-sized reproductions of plaintiff-appellant Triangle Publications’ <i>TV Guide</i> , which featured the covers of certain issues of <i>TV Guide</i> , next to actual-sized reproductions of its own “television booklet.” Defendant also displayed plaintiff’s <i>TV Guide</i> in television advertisements, in a similar context. Plaintiff appealed the district court’s ruling in defendant’s favor.
Issue	Whether defendant’s unauthorized reproduction and use of the <i>TV Guide</i> covers in advertisements to promote its competing product constituted fair use.
Holding	The court held that defendant’s reproduction and use of plaintiff’s copyrighted covers was fair. While the court found that the defendant’s use of plaintiff’s works in advertisements was commercial, it also concluded that the comparative advertisement format in which the works were used was a generally accepted format within the advertising industry. The court also found that defendant did not copy the essence of plaintiff’s publications—the television schedule and articles—but only reproduced the magazine covers. Finally, the court found that the use had no effect on the potential market for, or commercial value of, the copyrighted works. The court reasoned that any effect the advertisements may have had on drawing consumers away from plaintiff’s publication resulted from the nature of advertising and not the use of the magazine covers.
Tags	Fifth Circuit; Textual work
Outcome	Fair use found

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