

**Eisenschiml v. Fawcett Publ'n, Inc.,
246 F.2d 598 (7th Cir. 1957)**

Year	1957
Court	United States Court of Appeals for the Seventh Circuit
Key Facts	Plaintiff was a civil war historian who authored several books about Lincoln's assassination. He alleged that defendant Fawcett Publication, Inc. infringed his copyright by printing Joseph John Millard's article about President Lincoln's assassination, <i>America's Greatest Unsolved Mystery</i> , in <i>True</i> magazine. Plaintiff asserted that Millard copied two of his books, <i>Why Was Lincoln Murdered?</i> and <i>In the Shadow of Lincoln's Death</i> . Millard, a freelance writer, regularly consulted plaintiff's books for articles on Lincoln. The district court found that defendant's use of plaintiff's works was not actionable "because it was an insignificant use, a fair use or use of non-copyrightable material." Plaintiff appealed the district court's ruling in defendant's favor.
Issue	Whether defendant's use of content from plaintiff's copyrighted books in writing an article on the same topic constituted fair use, where defendant did not literally copy that content.
Holding	The Seventh Circuit upheld the lower court's finding that "such use as [defendant] Millard did make of plaintiff's books was a fair use," finding that in "historical writings such as the events immediately before and after President Lincoln's assassination, plaintiff and [defendant] Millard were necessarily, [sic] writing about the same personages during a very limited period of time. It is to be expected that there would result some similarity of treatment."
Tags	Seventh Circuit; Education/Scholarship/Research; Textual work
Outcome	Fair use found

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