

**L.A. News Serv. v. CBS Broad., Inc.,
305 F.3d 924 (9th Cir. 2002)**

Year	2002
Court	United States Court of Appeals for the Ninth Circuit
Key Facts	Plaintiff Los Angeles News Service (LANS) licensed its news stories, photographs, audiovisual works, and other services to other news media outlets. While covering the 1992 Los Angeles riots, LANS filmed several segments of nighttime rioting, including the iconic segment titled <i>Beating of Reginald Denny</i> . Defendant CBS was then part of Viacom Inc., which operated Group W, a video news service that had on several occasions licensed LANS footage. LANS offered Group W a license to distribute the riot footage, but Group W declined the offer. LANS alleged that, without a license, Group W distributed the footage to subscriber Court TV, which used a few seconds of the footage as part of a video montage to promote its coverage of a trial relating to persons depicted in the footage (the promo montage) and as part of an introductory montage for one of its television shows (the title sequence). Plaintiff appealed the district court's ruling that Court TV was entitled to a fair use defense.
Issue	Whether it was fair use for defendant to incorporate a portion of plaintiff's copyrighted recording into promotional video spots and a program introductory sequence.
Holding	The court held that defendant's use of the plaintiff's video footage both in the promo montage and the title sequence was fair. In reaching its conclusion, the court relied on its determination that defendant used plaintiff's footage for the purposes of news reporting and the promotion of news reporting. The court also found that the informational and factual nature of the footage favored a finding of fair use. Regarding the amount and substantiality of the footage used, the court weighed the length of the portion used (only a few seconds) against the significance of the portion used (the most recognizable frames) and found that this aspect of the fair use analysis was neutral. Finally, the court held that the defendant's use of the footage in both the promo montage and the title sequence would likely not affect the relevant market for licensing plaintiff's work.
Tags	Ninth Circuit; Film/Audiovisual; News reporting
Outcome	Fair use found

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