

**Rosemont Enters., Inc. v. Random House, Inc.,
366 F.2d 303 (2d Cir. 1966)**

Year	1966
Court	United States Court of Appeals for the Second Circuit
Key Facts	Plaintiff Rosemont Enterprises, Inc. was organized in 1965 by Howard Hughes, who is known for pioneering work in aviation and motion pictures. Plaintiff owned the copyright in a series of articles entitled <i>The Howard Hughes Story</i> that appeared in three issues of <i>Look Magazine</i> in early 1954. Defendants John Keats and Random House wrote and published the 1966 book <i>Howard Hughes – a Biography by John Keats</i> , which copied portions of plaintiff’s articles. Defendants appealed the district court ruling, in the course of granting a preliminary injunction, that they were likely not protected by the fair use doctrine because a work published for commercial purposes that was designed for the popular market precluded a fair use finding regardless of the nature of the work involved.
Issue	Whether defendants’ unauthorized reproduction of plaintiff’s articles for use in a biography constituted fair use.
Holding	The court reversed the district court’s preliminary injunction and found that defendants’ claim of fair use was warranted. The court determined that the district court erred by unjustifiably restricting the fair use defense to scholarly works written and prepared for scholarly audiences. The court noted that “the arts and sciences should be defined in their broadest terms” and include biographies like defendants’. The court also stated that the district court relied too heavily on the work’s commercial aspect when a commercial motive or popular style of writing should be irrelevant to the determination of whether a work offers a public benefit.
Tags	Second Circuit; Education/Scholarship/Research; Textual work
Outcome	Preliminary ruling, mixed result, or remand

Source: U.S. Copyright Office Fair Use Index. For more information, see <http://copyright.gov/fair-use/index.html>.