

**Castle Rock Entm't, Inc. v. Carol Publ. Group, Inc.,
150 F.3d 132 (2d Cir. 1998)**

Year	1998
Court	United States Court of Appeals for the Second Circuit
Key Facts	Plaintiff Castle Rock Entertainment, Inc. owned the copyrights for the entire <i>Seinfeld</i> television series. Defendants, author Beth B. Golub and publisher Carol Publishing Group, Inc., released a book titled <i>The Seinfeld Aptitude Test (The SAT)</i> , a 132-page book that contained 643 trivia questions and answers about the characters and events in <i>Seinfeld</i> . The book drew from eighty-four of the eighty-six <i>Seinfeld</i> episodes broadcast up to that time and included direct quotes. The district court ruled against defendants, finding that this was not fair use. Defendants appealed.
Issue	Whether defendants' use of copyright protected aspects of a television series to create a trivia book for fans of the series constituted fair use.
Holding	The Second Circuit held that defendants' unauthorized use of the copyright protected aspects of the television series was not fair use. The court determined that defendants' use was commercial and, more importantly, non-transformative because <i>The SAT</i> did not provide commentary or analysis about <i>Seinfeld</i> or act as a research tool, but instead "[repackaged] <i>Seinfeld</i> to entertain <i>Seinfeld</i> viewers." The court then noted that defendants' creation of 643 questions based on the television series was more than was necessary to advance defendants' purported "commentary" of the show, further suggesting that the book's purpose was entertainment. Turning to the effect on the potential market, the court found that although Castle Rock had shown little interest in exploiting the market for <i>Seinfeld</i> -related books, the defendants' work substituted for the derivative market for such books, and the court noted that "copyright law must respect [the] creative and economic choice" of plaintiffs not to exploit a particular market.
Tags	Second Circuit; Film/Audiovisual; Textual work
Outcome	Fair use not found

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