

L.A. News Serv. v. KCAL-TV Channel 9,
108 F.3d 1119 (9th Cir. 1997),
cert. denied 522 U.S. 823 (1997)

Year	1997
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> . Although LANS refused to grant defendant Channel 9 television station a license, the station broadcast the footage a number of times on commercially sponsored news programs. Plaintiff appealed the district court's holding that defendant was entitled to the fair use defense because the footage depicted a newsworthy event.
Issue	Whether, for the purpose of news reporting, it was a fair use for defendant to use plaintiff's copyrighted footage of a riot without permission.
Holding	The Ninth Circuit reversed the lower court, finding that all factors weighed against a finding of fair use. The court found that while defendant's use of the tape was arguably in the public interest because it was footage of a newsworthy event, the use was still commercial because defendant was in the business of gathering and selling news and competed with other stations for advertising dollars. Additionally, the court found that defendant's airing of the footage with a voiceover failed to add anything new or transformative, and that although only thirty seconds of a four-minute video were used, it was still the "heart" of the work. Finally, the court found that defendant's use of the footage could also potentially have a negative impact on plaintiff's primary market, especially in light of defendant's initial request to license the work.
Tags	Ninth Circuit; Film/Audiovisual; News reporting
Outcome	Fair use not found

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