Roy Exp. Co. Establishment of Vaduz, Liech. v. CBS, Inc., 672 F.2d 1095 (2d Cir. 1982)

Year	1982
Court	United States Court of Appeals for the Second Circuit
Key Facts	Plaintiffs Roy Export Co. and others created a thirteen-minute montage of Charlie Chaplin films for a one-time showing in Chaplin's honor at the 1972 Academy Awards. Plaintiffs owned all rights in the Chaplin films used and refused CBS' repeated requests for permission to use them to create its own film retrospective of Chaplin's life. Plaintiffs thereafter created and distributed a Chaplin film biography, *The Gentleman Tramp*. CBS, having prepared its own "rough cut" of a biography using public domain footage of Chaplin's films, refused to license plaintiffs' film. When Chaplin died, CBS made a new version of his biography using plaintiffs' Academy Awards montage, with minor editing, which it broadcast in 1977. CBS appealed the district court's ruling in plaintiffs' favor.
Issue	Whether a generalized First Amendment privilege barred plaintiffs' claims of copyright infringement, common-law copyright, and unfair competition because of the right to report newsworthy events.
Holding	The court declined to recognize a First Amendment privilege in the "copyright field" that is "distinct from the accommodation embodied in the 'fair use' doctrine," which resolves conflicts between First Amendment rights and copyright protection. The court acknowledged that there may be a rare work, such as the famed Zapruder film of the Kennedy assassination, for which it may be arguable that both its ideas and its expression should be in the public domain because they cannot be separated. However, the court concluded that the facts in this case could not support the invention or application of even a limited First Amendment privilege.
Tags	Second Circuit; Film/Audiovisual; News reporting; Photograph
Outcome	Preliminary ruling, mixed result, or remand