

**Bouchat v. Balt. Ravens Ltd. P'ship,
737 F.3d 932 (4th Cir. 2013)**

Year	2013
Court	United States Court of Appeals for the Fourth Circuit
Key Facts	Plaintiff Bouchat drew and proposed a team logo for the Baltimore Ravens. In 2000, the Fourth Circuit held that the Ravens' use of a similar logo design between 1996 and 1998 infringed Bouchat's copyright. In 2012, Bouchat initiated this action against the Ravens and various NFL-affiliated entities, alleging that defendants infringed his logo by using it in three videos featured on defendants' television network and various websites and by displaying images that included the logo as part of "historical exhibits" in the Ravens' stadium's "Club Level" seating area. The district court ruled that defendants' use of plaintiff's logo in both settings was fair use. Bouchat appealed.
Issue	Whether defendants' unauthorized use of plaintiff's team logo artwork in historical exhibits and in three videos constituted fair use.
Holding	Regarding the videos, the court held that defendants' use of the logo was fair use. The court found that the use was transformative because, unlike in the highlight films at issue in <i>Bouchat v. Balt. Ravens L.P.</i>, 619 F.3d 301 (4th Cir. 2010), the logo's brief appearances in the three videos at issue served the transformative, historical purpose of "tell[ing] stories of past drafts, major events in Ravens history, and player careers." The court further found that, although the work was creative in nature and used in its entirety, the "fleeting" nature of its appearances in the videos gave these factors "very little weight." Finally, the court found that defendants' use of the logo was unlikely to supplant any market for the original work. The court held that the use of the logo on images displayed in the Ravens' stadium's "Club Level" seating area was also fair use. The court found the defendants' use transformative, as it was "designed merely to preserve a specific aspect of Ravens history." The court also found the use to be an "incidental component" of the historical exhibits at issue. The court did not consider evidence of market harm to plaintiff, but noted that findings in plaintiff's favor on this point would be insufficient to overcome the substantial weight of the first three fair use factors.
Tags	Fourth Circuit; Film/Audiovisual; Painting/Drawing/Graphic
Outcome	Fair use found

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