

**L.A. News Serv. v. Reuters Television Int’l, Ltd.,
149 F.3d 987 (9th Cir. 1998)**

Year	1998
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> . Defendant Reuters recorded plaintiff’s broadcast and transmitted it to its overseas subscribers. Defendant appealed the district court’s ruling that the fair use defense did not shield its actions.
Issue	Whether defendant’s unauthorized recording and transmission of plaintiff’s footage to defendant’s overseas subscribers constituted fair use.
Holding	The Ninth Circuit upheld the lower court’s decision that defendant’s recording and subsequent transmission of plaintiff’s broadcast for the purpose of reporting the news was not a fair use. Despite the fact that plaintiff’s works were factual in nature and had been previously published, the court found that defendant’s commercial use of the “heart” of the works was not very transformative. Additionally, while plaintiff was unable to prove the loss of subsequent sales, the court found that if defendant’s actions were permitted, they “would result in a substantially adverse impact on the potential market for the original works,” because an organization purchasing news footage from defendant would no longer need to purchase it from plaintiff, thus “lessening the market” for plaintiff’s footage.
Tags	Ninth Circuit; Film/Audiovisual; News reporting
Outcome	Fair use not found

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