

**Richards v. Merriam Webster, Inc.,
55 F. Supp. 205 (D. Mass. 2014)**

Year	2014
Court	United States District Court for the District of Massachusetts
Key Facts	Plaintiff Richards developed a “textbook dictionary” that made use of a “substantial portion” of the eleventh edition of defendant Merriam Webster, Inc.’s Collegiate Dictionary. In creating the “textbook dictionary,” plaintiff edited the format of defendant’s dictionary by changing the font, underlining certain words, redacting etymology and inserting examples of word usage. In total, plaintiff copied “about 70%” of defendant’s dictionary entries. After defendant refused to grant plaintiff permission to use its copyrighted material, plaintiff sought a declaratory judgment that his use was fair use, claiming the “textbook dictionary” was “aimed at improving the reading comprehension of its users.”
Issue	Whether plaintiff’s reproduction of large portions of defendant’s copyright protected dictionary to create his own dictionary designed to improve the reading comprehension of its users was fair use.
Holding	The court found that plaintiff’s reproduction of defendant’s dictionary was not fair use. In reaching its conclusion, the court determined that the creativity inherent in defendant’s development and editing of the original dictionary, the extent of the material plaintiff copied, and the potential effect plaintiff’s “textbook dictionary” could have on the market for defendant’s dictionary all strongly disfavored a finding of fair use. Regarding the purpose and character of plaintiff’s use, the court found that even if the “textbook dictionary” could be considered transformative, this factor alone did not make plaintiff’s proposed use permissible under the fair use doctrine.
Tags	First Circuit; Textual work
Outcome	Fair use not found

Source: U.S. Copyright Office Fair Use Index. For more information, see <http://copyright.gov/fair-use/index.html>.