

**Veeck v. S. Bldg. Code Congress Int'l,
241 F.3d 398 (5th Cir. 2001)**

Year	2001
Court	United States Court of Appeal for the Fifth Circuit
Key Facts	Defendant-appellee Southern Building Code Congress International (SBCCI) was a nonprofit organization that developed, promoted, and promulgated model building codes for construction, plumbing, gas, fire and mechanical building projects. SBCCI encouraged local governments, free of charge, to enact its copyright protected codes into law by reference in statutes and ordinances. Generally, the public was advised they could obtain access and make copies of portions of the codes in city offices or local libraries. Plaintiff Peter Veeck operated a website providing information about North Texas, including full texts of local building codes. When Veeck failed to obtain copies of the building codes in his hometown, he purchased a copy of the codes in electronic format from SBCCI and posted it on his website. After SBCCI sent him a cease and desist order accusing him of copyright infringement, Veeck filed a complaint for a declaratory judgment that he did not infringe SBCCI's copyright. Veeck appealed the district court's ruling finding that publication of the codes was not a fair use.
Issue	Whether Veeck's posting of SBCCI's model building codes constituted fair use.
Holding	The appeals court rejected Veeck's fair use defense. The court first determined that model codes, while similar to uncopyrightable statutes and judicial opinions, do not lose their copyright when used or adopted by a state or local government. The court then found that Veeck's use, while noncommercial per se, could severely undermine the market for SBCCI's works if such use became widespread. The court found that Veeck's copying and posting of SBCCI's codes would reduce SBCCI's market and deprive it of income used in its socially valuable effort of creating and promulgating these codes. <i>Note:</i> upon rehearing, the appeals court reversed and remanded with instructions to dismiss SBCCI's claims based on the reasoning that Veeck copied only the law and did not infringe SBCCI's copyrights in building codes. A dissent by four judges including the chief judge found that SBCCI's posting of the entire building code on the website was not fair use. <i>Veeck v. S. Bldg. Code Cong. Int'l, Inc.</i>, 293 F.3d 791 (5th Cir. 2002)
Tags	Fifth Circuit; Education/Scholarship/Research; Textual work
Outcome	Fair use not found

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