

**Warner Bros. Entm't, Inc. v. RDR Books,  
575 F. Supp. 2d 513 (S.D.N.Y. 2008)**

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| Year      | 2008                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Court     | United States District Court for the Southern District of New York                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Key Facts | Plaintiff J.K. Rowling authored the <i>Harry Potter</i> books that plaintiff Warner Bros. Entertainment, Inc. produced as films. Defendant RDR Books published <i>The Lexicon: An Unauthorized Guide to Harry Potter Fiction and Related Materials</i> (the <i>Lexicon</i> ), an “A-to-Z guide to the creatures, characters, objects, events, and places that exist in the world of <i>Harry Potter</i> .” To create <i>The Lexicon</i> , defendant relied solely on Rowling’s seven <i>Harry Potter</i> novels and two companion books that expanded on the fictional history and mythical creatures in the novels.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Issue     | Whether it was fair use for defendant to use aspects of a book series to create and distribute an encyclopedia-like guide for the series.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Holding   | The court held that the fair use factors, “weighed together in light of the purposes of copyright law,” did not support a finding of fair use. Regarding the nature and purpose of the use, the court found that the factor weighed against a finding of fair use because “although the <i>Lexicon</i> has a transformative purpose, its actual use of the copyrighted works is not consistently transformative.” Regarding the substance and amount of the work used, the court found that the <i>Lexicon</i> took more of the copyrighted works than was reasonably necessary in relation to its purpose as a reference guide. The court also found that both the creative nature of the copyrighted works and the potential for harm that the <i>Lexicon</i> posed to the market for plaintiff’s works weighed against a finding of fair use. According to the court, “reference guides to works of literature should generally be encouraged by copyright law” but “they should not be permitted to ‘plunder’ the works of original authors . . . ‘without paying the customary price’ . . . lest original authors lose incentive to create new works that will also benefit the public interest.” |
| Tags      | Second Circuit; Films/Audiovisual; Textual work                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Outcome   | Fair use not found                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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