

**Williams & Wilkins Co. v. United States,
487 F.2d 1345 (Ct. Cl. 1973)**

Year	1973
Court	United States Court of Claims
Key Facts	Plaintiff Williams & Wilkins Co. was a major publisher of medical journals and books. Defendants National Institutes of Health and National Library of Medicine would, upon request, photocopy articles in medical journals published by plaintiff and distribute them to researchers. Defendants did not monitor the reason for the copy requests, and the requesting researcher could retain the copy permanently. Plaintiff sued for copyright infringement, and defendants raised the fair use defense.
Issue	Whether the defendants' unauthorized photocopying of plaintiff's articles for use by medical researchers constituted fair use.
Holding	The court held that defendants' unauthorized photocopying of plaintiff's articles was fair use because the copies were made for the researchers' own professional use and not for profit or other gain. Defendants also placed strict limitations on photocopying, which kept "the duplication within appropriate confines." The court based its fair use decision on three main determinations. First, the court noted that plaintiff did not prove that it had been or would be harmed substantially by defendants' practices. Second, the court was convinced that holding defendants' practices to be copyright infringement would "no doubt" harm medicine and medical research. Third, the court held that balancing the interests of science with those of publishers required a legislative solution.
Tags	Federal Circuit; Education/Research/Scholarship; Textual work
Outcome	Fair use found

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