

**Righthaven, L.L.C. v. Realty One Grp., Inc.,  
No. 2:10-cv-1036-LRH-PAL. (D. Nev. Oct. 19, 2010)**

Year	2010
Court	United States District Court for the District of Nevada
Key Facts	Defendant Michael Nelson, a licensed realtor, operated an internet blog on home ownership in Las Vegas, Nevada. The <i>Las Vegas Review-Journal</i> ( <i>LVRJ</i> ) published a newspaper article that featured a mix of commentary and factual reporting about the Las Vegas housing market. After the article appeared in <i>LVRJ</i> , defendant copied the first eight of thirty sentences from the article and posted them on his blog. The portion defendant used on his blog contained only factual reporting. After the quoted portion appeared on defendant's blog, <i>LVRJ</i> assigned the copyright to plaintiff Righthaven, LLC.
Issue	Whether defendant's unauthorized use of eight factual sentences from a news story constituted fair use.
Holding	The court held that defendant's use was a fair use. It found that, while educational, defendant's use was primarily commercial, which weighed against fair use. However, the court further found that the value of the original work was primarily in the <i>LVRJ</i> 's commentary rather than the eight sentences of fact-based reporting. As such, the court determined that defendant's use of only the factual aspects of the article was not likely to impact the value of the original article. Ultimately, the court ruled that the weighing of all four factors supported a finding of fair use.
Tags	Ninth Circuit; Internet/Digitization; News reporting; Textual work
Outcome	Fair use found

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