

**Toksvig v. Bruce Pub. Co.,
181 F.2d 664 (7th Cir. 1950)**

Year	1950
Court	United States Court of Appeals for the Seventh Circuit
Key Facts	Plaintiff Signe Toksvig authored a biography of Hans Christian Andersen entitled <i>The Life of Hans Christian Andersen</i> (1934). In authoring the biography, plaintiff conducted three years' worth of original research from exclusively Danish sources, including primary sources such as Andersen's letters and interviews with Andersen's contemporaries. Margaret Hubbard authored a novel based on the life of Hans Christian Andersen entitled <i>Flight of the Swan</i> (1946). In the year it took Hubbard to author her novel, she consulted only English sources, including plaintiff's biography. Plaintiff alleged that Hubbard's novel copied certain passages from the biography and initiated an infringement action against defendant Bruce Publishing Co., the company that published Hubbard's novel. Defendant appealed the district court's ruling that Hubbard's novel infringed plaintiff's copyright in the biography by copying twenty-four specific passages of translation from the work.
Issue	Whether defendant's copying of twenty-four passages of translation from plaintiff's work was fair use.
Holding	The Seventh Circuit affirmed the lower court's ruling that defendant's copying was not a fair use. The court rejected defendant's argument that the information taken from the biography was factual, finding that defendant's use of plaintiff's translated passages saved her considerable time, allowing defendant to complete her novel much more quickly than if she had done the research herself.
Tags	Seventh Circuit; Education/Scholarship/Research; Textual work
Outcome	Fair use not found

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