

Baltimore Ravens vs Bouchat Case

In 1996 professional football returned to Baltimore in the form of the Baltimore Ravens. When the team unveiled its logo in 1997, Frederick Bouchat, a local security guard and amateur artist, noticed that the logo bore a striking resemblance to a drawing he sent to the Ravens months earlier. He immediately copyrighted his image and then went on to file five copyright infringement lawsuits against the NFL and the Baltimore Ravens for their use of the "Flying B" logo. This case, the fifth brought by Bouchat, arose out of the appearance of the "Flying B" logo in three videos on NFL.com and a display in the Ravens' Stadium. Bouchat sought to enjoin the NFL and the Ravens from using the Flying B logo, asserting that the use of the image infringed his copyright.

Under §106 of the Copyright Act of 1976, owners of copyrighted material have exclusive rights to publish, copy, perform, display and distribute their work. There are a number of exceptions to this general rule that allow the use of copyrighted work without permission from or compensation to the owner. One of these exceptions, the Fair Use Doctrine (17 U.S.C. §107), limits the exclusive rights of the owner and reiterates copyright law's goal to promote creativity. Courts analyzing copyright infringement claims use four factors to analyze fair use: (1) the purpose and character of the use, including whether such use is of a commercial nature or for a nonprofit educational purpose; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) the effect of the use on the potential market for or the value of the copyrighted work. While the first factor is considered the most important, all four factors are weighed together in each case. A finding of fair use is a complete defense to a copyright infringement claim. Analyzing Bouchat's claim, the trial court found that the use of the "Flying B" logo was fair and therefore did not infringe upon his copyright.

Agreeing with the district court, the United States Court of Appeals for the Fourth Circuit decided in favor of the Baltimore Ravens and the NFL. The court analyzed the four fair use factors, relying most heavily on the "purpose and character of the use" factor. With regard to this factor, the court reasoned that the challenged videos and display "transformed" the "Flying B" logo from a representation of the Ravens' brand (used to differentiate players and to serve as a promotional focus) to an artifact (used as part of a broader historical narrative). This transformative use, which the court defined as one that employs the quoted matter in a different manner or for a different purpose from the original, led the court to conclude that the purpose and character of the use was unobjectionable. The court next discussed the "amount and substantiality of the portion used in relation to the copyrighted work as a whole" factor. With regard to

this factor, the Fourth Circuit stated that the logo's use was incidental and negligible. The remaining factors, the court went on to say, did nothing to undermine the conclusion that the transformative and incidental use of the logo was a fair use.

Assignment:

After looking at the pictures, and reading the court case – Write a short essay about your “ruling” in the case and give AT LEAST THREE different pieces of evidence to back up your “ruling” in this copyright case.

Paragraph rules:

- Times New Roman, 12 pt font
- Double Spaced
- At least 300 words
- Turn it in on the Google Classroom

Ravens Copyright Ruling Paper Rubric	
Paper includes (at least) three specific pieces of evidence to back up your ruling.	/9
Paper includes references to the Copyright Law of 1976.	/5
Paper is formatted correctly. 1. Times New Roman font, 12 pt 2. Double Spaced 3. 300 Words (minimum)	/3
No spelling, grammar, mechanics mistakes.	/3
Total	/20