
Kluwer Copyright Blog

Copyright case: American Society for Testing & Materials v. Public.Resource.Org, Inc., USA

Matthew Hersh (Wolters Kluwer Legal & Regulatory) · Tuesday, October 24th, 2023

The posting of the privately-developed standards constitutes fair use—at least when done for non-profit purposes.

A public interest organization that made available to the public a collection of technical standards incorporated by reference in federal regulations engaged in a fair use of those standards and therefore did not infringe on the exclusive rights of the private entities that developed those standards, the U.S. Court of Appeals for the D.C. Circuit has held. The court, in its second encounter with the case after a 2018 remand for further development of the factual record, underscored that its conclusion might have been different if a for-profit organization had been behind the reproductions (*American Society for Testing & Materials v. Public.Resource.Org, Inc.*, September 12, 2023, Kastias, G.).

Case date: 12 September 2023

Case number: No. 22-7036

Court: United States Court of Appeals, District of Columbia Circuit

A full summary of this case has been published on [Kluwer IP Law](#).

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