
Kluwer Copyright Blog

Copyright case: Keck v. Mix Creative Learning Center, L.L.C., USA

Matthew Hersh (Wolters Kluwer Legal & Regulatory) · Wednesday, March 26th, 2025

The commercial teaching kit use the artist's works in their entirety and encouraged the students to create their own art based on them.

An art center that sold “art kits” for use by children made a fair use of six of an artist's works that it included in full in its kits because it drew on the artist's work “not for its inherent expressive value but for what it, accompanied by materials and instruction in art theory and history, could teach students,” the U.S. Court of Appeals for the Fifth Circuit has held. The court's opinion, which affirmed the summary judgment order of a Texas judge, also upheld an award of attorney fees—though it stopped short of holding the artist's attorney jointly liable for those fees (*Keck v. Mix Creative Learning Center, L.L.C.*, No. 23-20188 (5th Cir. Sept. 18, 2024)).

Case date: 18 September 2024

Case number: No. 23-20188

Court: United States Court of Appeals, Fifth Circuit

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

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