



Class 20: Fair Use Fundamentals

Fair Use

Parody

Campbell v. Acuff-Rose

Basic Facts

1964: Roy Orbison writes "Oh, Pretty Woman"

Assigned rights to Acuff-Rose

1989: 2 Live Crew write "Pretty Woman".

P uses word "parody" and D uses word "satire"

July 1989: Sought a license from Acuff-Rose

Acuff-Rose refused permission.

Released song anyway. Large success.

District Court: Fair Use.

CA6: Reversed. Blatantly commercial purpose, so no fair use.

Held (Supreme Ct. 1994)

Reasoning

Parody

1. Character and Purpose of Use

2. Nature of the copyrighted work

3. Amount and Substantiality of the Portion Used

4. Effect of the use on the market

Other examples - Are these Parodies?

Note 9: Dr. Seuss: Cat NOT in the Hat.

Rhyme about OJ
Held: No fair use because satire.

Note 5: The Wind Done Gone

Note 10: Barbie Enchilada

Political Ads - Hillary / 1984
JibJab

Song/Video Remakes - Weird Al / White and Nerdy

Movie Trailers - Shining
10 Things I Hate About Commandments

Lego recreations