

# FAIR USE or FOUL PLAY:

## You Decide!

“It is better to take what does not belong to you than to let it lie around neglected.”

– Mark Twain

### Was Mark Twain right? You decide!

Below are examples of creators whose famous works were inspired by other sources. In each case, was the creator’s use fair or foul?

List excerpted from Jonathan Band and Caile Morris, “Nothing New under the Sun,” January 19, 2016, Association of Research Libraries. Accessible online at <[www.arl.org/focus-areas/copyright-ip#VrjNpPkrLcs](http://www.arl.org/focus-areas/copyright-ip#VrjNpPkrLcs)>.



#### George Lucas

Mario Puzo sent Luca Brasi to “sleep with the fishes” in a memorable garroting scene in *The Godfather*. A long time ago in a galaxy far, far away, Princess Leia did the same with Jabba the Hutt.

**Fair use, or foul play?**

#### J. K. Rowling

Rowling had in mind the wardrobe in C. S. Lewis’s *Narnia* books when creating the the magic barrier at King’s Cross Station leading to Platform 9-3/4.

**Fair use, or foul play?**

#### Quentin Tarantino

What was in the mysterious glowing suitcase in *Pulp Fiction*? Could it have been a copy of the 1955 film noir *Kiss Me Deadly*, which also featured a mysterious glowing suitcase?

**Fair use, or foul play?**



#### Andy Warhol

Warhol took everyday items like Campbell’s soup, Brillo pads, and Coca-Cola from supermarket shelves to museum walls.

**Fair use, or foul play?**

#### Jay-Z

Is Ice-T one of Jay-Z’s 99 problems? Ice-T’s song with that title came out in 1993, while Jay-Z’s, which uses the refrain in the earlier work, appeared in 2004.

**Fair use, or foul play?**



Look for answers on the back

# YOU'RE THE JUDGE.

## You know that the four fair use factors are:

- The purpose and character of the use
- The nature of the copyrighted work
- The amount and substantiality of the portion used
- The effect of the use upon the potential market

You also know that the U.S. Supreme Court has emphasized the first factor over the others. So you focus on: has the original been transformed?

One by one, the defendants come into your courtroom.

### George Lucas

How similar are a New York nightclub and the Great Pit of Carkoon on Tatooine? Or a murderous mobster and a slimy alien?



### Your ruling, your honor?



### J. K. Rowling

Old wardrobe in an isolated country mansion vs. a brick pillar in a bustling railway station. Children exploring an old house vs. children heading off to boarding school.

### Your ruling, your honor?

### Quentin Tarantino

One mysterious glowing suitcase turns out to contain explosive radioactive materials, while the other is simply a MacGuffin.

### Your ruling, your honor?



### Andy Warhol

Unlike their supermarket counterparts, if you open one of Warhol's oversized Brillo boxes, all you find inside is air. And museums don't have ten-items-or-less checkout lines.

### Your ruling, your honor?

### Jay-Z

Ice-T's song focuses on women, while Jay-Z's ranges from critics to racial profiling and jail. And the "b-word" in the refrain taken from Ice-T's song? Jay-Z says it means a female dog.

### Your ruling, your honor?



## Celebrate Fair Use Week February 22-26, 2016,

by teaching, learning, and advancing knowledge through fair use!

Questions? Email <copyright@library.ucla.edu>.