

**Faulkner Literary Rights, LLC v. Sony Pictures Classics, Inc.,
953 F. Supp. 2d 701 (N.D. Miss. 2013)**

Year	2013
Court	United States District Court for the Northern District of Mississippi
Key Facts	Defendant Sony Pictures Classics, Inc. owned the film rights for <i>Midnight In Paris (MIP)</i> , in which one of the characters said: “The past is not dead. Actually, it’s not even past. You know who said that? Faulkner, and he was right.” Plaintiff Faulkner Literary Rights, LLC, representing the estate of famed author William Faulkner, alleged that the lines infringed Faulkner’s book <i>Requiem for a Nun (RFN)</i> in which he wrote, “The past is never dead. It’s not even past.”
Issue	Whether paraphrasing a line from a full-length novel in a full-length film constituted copyright infringement.
Holding	The court held that defendant’s use of the <i>RFN</i> quote in <i>MIP</i> qualified as fair use. The court initially considered the issue of <i>de minimis</i> copying but determined that, absent specific Fifth Circuit guidance, it is best incorporated into the fair use analysis. In conducting a fair use analysis, the court found that the two quotations took place in completely different contexts in their respective works, and that defendant’s use was so transformative that it “diminishe[d] the significance of considerations such as commercial use that would tip to the detriment of fair use.” The court also held that, because the quote at issue (nine words in two sentences) was of “miniscule quantitative importance” to <i>RFN</i> as a whole, the quantitative and qualitative analysis tipped in favor of fair use. Finally, the court expressed significant skepticism that defendant’s use harmed any relevant potential market for <i>RFN</i> , as it was a “flattering and artful use of literally allusion.”
Tags	Fifth Circuit; Film/Audiovisual; Textual work
Outcome	Fair use found

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