

**Chapman v. Maraj**  
**No. 2:18-cv-09088-VAP-SS (C.D. Cal. Sept. 16, 2020)**

Year	2020
Court	United States District Court for the Central District of California
Key Facts	Plaintiff Tracy Chapman owns the copyright for the song <i>Baby Can I Hold You</i> (the “Composition”). Defendant Onika Tanya Maraj, professionally known as Nicki Minaj, experimented on a remake of the song <i>Sorry</i> , which she believed was an original work by Shelly Thunder but which her representatives later learned was a cover of the Composition. Minaj knew she needed to obtain a license to publish a remake of the Composition because her remake incorporated a large number of lyrics and vocal melodies from the Composition. Minaj made multiple requests to Chapman for a license, but Chapman denied each request. Minaj did not include her remake of <i>Sorry</i> on her album. Minaj contacted DJ Aston George Taylor, professionally known as DJ Flex, and asked if he would premiere a record that was not on her album. Minaj denies sending DJ Flex a copy of her remake of <i>Sorry</i> and she posted a message instructing him not to play any songs not on her album. Somehow DJ Flex obtained a copy of Minaj’s remake of <i>Sorry</i> and played it on the radio. Chapman sued Minaj, asserting copyright infringement. On cross-motions for summary judgment, Chapman asserted Minaj violated her copyright by creating and distributing a derivative work based on the Composition, while Minaj contended that her creation of the remake qualifies as fair use.
Issue	Whether a recording artist’s use of lyrics and vocal melodies from a musical work for artistic experimentation and for the purpose of securing a license from the copyright owner is a fair use.
Holding	The court found that the first factor, the purpose and character of the use, favored fair use. The court concluded that the initial purpose of Minaj’s new work was experimentation. Given that Minaj “never intended to exploit the work without a license” and excluded the new work from her album, Minaj’s use was not purely commercial. In addition, the court observed that “artists usually experiment with works before seeking licenses and rights holders typically ask to see a proposed work before approving a license.” The court expressed concern that “uprooting . . . [these] common practices would limit creativity and stifle innovation within the music industry.” The second factor, the nature of the copyrighted work, disfavored fair use because the Composition is a musical work, which is “the type of work that is at the core of Copyright’s protective purpose.” The third factor, the amount and substantiality of the portion used in relation to the work as a whole, favored fair use. Although Minaj’s new work incorporated many lyrics and vocal melodies from the Composition, the material Minaj used “was no more than necessary to show Chapman how [Minaj] intended to use the Composition in the new work.” The fourth factor, the effect of the use upon the potential market for or value of the copyrighted work, favored fair use because “there is no evidence that the new work usurps any potential market for Chapman.” Considering the factors together, the court found that Minaj’s use was fair and granted partial summary judgment in Minaj’s favor that her use did not infringe Chapman’s right to create derivative works.
Tags	Music
Outcome	Fair use found

Source: U.S. Copyright Office Fair Use Index. For more information, see <https://www.copyright.gov/fair-use/fair-index.html>.