

**MCA, Inc. v. Wilson,
677 F.2d 180 (2d Cir. 1981)**

Year	1981
Court	United States Court of Appeals for the Second Circuit
Key Facts	Defendants produced the musical <i>Let My People Come</i> that appeared in cabarets and theaters and was described by critics as an “erotic nude show.” Plaintiff music publisher MCA, Inc. claimed that one of the songs in the musical, <i>Cunnilingus Champion of Company C (Champion)</i> , was substantially similar and an infringement of its song <i>Boogie Woogie Bugle Boy (Bugle Boy)</i> . Defendants’ song used original lyrics, but the musical compositions were similar to plaintiff’s. Defendants’ appealed the district court’s ruling in favor of plaintiff.
Issue	Whether defendants’ composition of a song with sexually explicit lyrics that was musically substantially similar to plaintiff’s song constituted fair use.
Holding	The court held that defendants’ use was not a fair use. Focusing on whether defendants’ song was a parody, the court rejected defendants’ assertion that <i>Champion</i> was meant to be a humorous comment on the innocent music from the 1940s. The court noted “[w]e are not prepared to hold that a commercial composer can plagiarize a competitor’s copyrighted song, substitute dirty lyrics of his own, perform it for commercial gain, and then escape liability by calling the end result a parody or satire on the mores of society.” The court observed that to deem such use as parody and, consequently, a fair use in such situations would be an “open-ended invitation to musical plagiarism.” <i>See also: Campbell v. Acuff-Rose Music, Inc.</i> , 510 U.S. 569 (1994)
Tags	Second Circuit; Review/Commentary; Music
Outcome	Fair use not found

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