

**Metro-Goldwyn-Mayer, Inc. v. Am. Honda Motor Co., Inc.,
900 F. Supp. 1287 (C.D. Cal. 1995)**

Year	1995
Court	United States Court of Appeals for the Central District of California
Key Facts	To advertise a new convertible model with a detachable roof, defendants, Honda and its advertising firm, made a commercial featuring a fast-paced scene in which a menacing villain in a helicopter chases a suave hero and attractive heroine who are driving the new convertible model. Plaintiff MGM (Metro-Goldwyn-Mayer, Inc.) filed a motion for a preliminary injunction alleging that defendants infringed its copyrights to sixteen James Bond films as well as the James Bond character. Defendants raised the fair use defense.
Issue	Whether defendants' commercial was a parody that was protected under the fair use defense.
Holding	The court granted MGM a preliminary injunction, ruling against defendants' fair use defense. The court disagreed with defendants' assertion that the commercial was a parody of the action film genre, and also cited <i>Campbell v. Acuff-Rose</i> , 510 U.S. 569 (1994), which indicated that using a copyrighted work in an advertising parody should weigh more against fair use than if the parody was sold for its own sake. As a result, the lack of parody and commercial nature of the advertisement weighed against a finding of fair use. The court also determined that MGM should prevail on the second factor because its creative films are close to the core of copyright protection. For the third factor, the court found that the brevity of the use did not excuse defendants' copying since it was not a parody. Finally, on the fourth factor, the court determined that the association with a "low-end Honda model" would likely threaten the value of the James Bond character to upscale licensees.
Tags	Ninth Circuit; Film/Audiovisual; Parody/Satire
Outcome	Fair use not found

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