

**Lennon v. Premise Media Corp.,
556 F. Supp. 2d 310 (S.D.N.Y. 2008)**

Year	2008
Court	United States District Court for the Southern District of New York
Key Facts	Plaintiffs Yoko Ono Lennon, Sean Lennon, and Julian Lennon, the widow and children of songwriter and performer John Lennon, brought an action for infringement against the producers of a film that included fifteen seconds of Lennon's iconic song <i>Imagine</i> without authorization. Plaintiffs moved for a preliminary injunction to enjoin the further distribution of the film and to recall the existing copies.
Issue	Whether defendants were likely to prevail in asserting a fair use defense for using fifteen seconds of <i>Imagine</i> in their film.
Holding	The court denied plaintiffs' motion for a preliminary injunction, finding that defendants were likely to prevail on a fair use defense. The court held that defendants' use of <i>Imagine</i> was transformative because their purpose was to criticize the song's message, seen in how defendants "put the song to a different purpose, selected an excerpt containing the ideas they wished to critique, paired the music and lyrics with images that contrast with the song's utopian expression, and placed the excerpt in the context of a debate regarding the role of religion in public life." The court also found that the amount and substantiality of the portion used was reasonable in light of defendants' purpose and that plaintiffs had not shown that the use would usurp the market for licensing the song for non-transformative purposes.
Tags	Second Circuit; Film/Audiovisual; Music; Review/Commentary
Outcome	Preliminary ruling, mixed result, or remand

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