

**MasterCard Int'l, Inc. v. Nader 2000 Primary Comm., Inc.,
No. 00 CIV. 6068 (GBD) (S.D.N.Y. Mar. 8, 2004)**

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| Year | 2004 |
| Court | United States District Court for the Southern District of New York |
| Key Facts | <p>Plaintiff MasterCard International, Inc., a financial services company, alleged that defendants, 2000 presidential candidate Ralph Nader and his political committee, created a campaign advertisement that infringed plaintiff's "Priceless" advertisements.</p> <p>The "Priceless" advertisements included the identification of a series of priceless intangibles, followed by the word "Priceless." The advertisements ended with the phrase "there are some things money can't buy, for everything else there's MasterCard." Defendants' campaign advertisement identified a series of corrupt campaign practices, followed by the phrase "finding out the truth: priceless." The campaign advertisement ended with the phrase "there are some things that money can't buy."</p> <p>Defendants claimed their campaign advertisement was a non-infringing parody of plaintiff's advertisements and filed a motion for summary judgment.</p> |
| Issue | Whether defendants' copying of features of plaintiff's advertisement for use in their own political campaign advertisement constituted fair use. |
| Holding | The court granted defendants' motion for summary judgment, finding that the copying constituted fair use because the campaign advertisement parodied MasterCard's commercial advertisements. The court also determined that defendants' transformative use served a political, non-commercial purpose, entirely different from the commercial purpose of plaintiff's original work. While the court found that MasterCard's creative advertisements were in the "core of intended copyright protection," it determined that the relevance of the second factor, the nature of the copyrighted work, was slight when dealing with parodies. Finally, the court found that the third factor, the amount taken, was irrelevant when the first and fourth factor weigh in favor of fair use in the case of parody, and that the entirely different purpose of defendants' advertisement made the fourth factor also weigh in favor of fair use. |
| Tags | Second Circuit; Film/Audiovisual; Parody/Satire |
| Outcome | Fair use found |

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