

**Campbell v. Acuff-Rose Music, Inc.,
510 U.S. 569 (1994)**

Year	1994
Court	Supreme Court of the United States
Key Facts	Plaintiff-respondent, a music publisher and co-owner of the Roy Orbison 1964 rock ballad <i>Oh, Pretty Woman</i> , accused defendants-petitioners, hip-hop group 2 Live Crew, of infringing Orbison's song by releasing a 1989 parody version titled <i>Pretty Woman</i> . Upholding the lower court, the Sixth Circuit ruled that the parody was not fair use and that its commercial nature rendered it presumptively unfair. It also found that by using the "heart" of the original as the "heart" of the parody, 2 Live Crew took too much, establishing market harm by presumption. Defendants appealed to the U.S. Supreme Court.
Issue	Whether the lower court erred in ruling that the commercial nature of defendant's parody of plaintiff's work rendered the use presumptively unfair.
Holding	The Court reversed the Sixth Circuit, finding that it had erred in giving dispositive weight to the commercial nature of 2 Live Crew's parody and in applying an evidentiary presumption that the commercial nature of the parody rendered it unfair. The Court held that the commercial or nonprofit educational purpose of a work is only one element of its purpose and character. Like other uses, parody "has to work its way through the relevant factors, and be judged case by case, in light of the ends of the copyright law." The Court commented that it is essential for someone doing a parody to be able to quote from existing material and use some of the elements of a prior work to create a new one that comments on the original. The case was remanded for further proceedings.
Tags	U.S. Supreme Court; Music; Parody/Satire
Outcome	Preliminary ruling, mixed result, or remand

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