

**DC Comics Inc. v. Crazy Eddie, Inc.,
No. 79 Civ. 3786-PNL (S.D.N.Y. Aug. 3, 1979)**

Year	1979
Court	United States District Court for the Southern District of New York
Key Facts	Plaintiff D.C. Comics, Inc. owned multiple copyrights for the character of “Superman,” including a television series that was broadcast on local TV channels. Plaintiff alleged that defendant Crazy Eddie, Inc., a business engaged in selling consumer electronics, infringed its copyright by using the character in a commercial that aired on local television channels. The commercial copied “nearly every aspect” of the trailers for the television series, and simply replaced the Superman name and purpose with the defendant’s own business’ name and purpose.
Issue	Whether making an advertisement for a business that closely copied a television series trailer, replacing merely the name and purpose of the character with that of a store, constituted a fair use parody.
Holding	The court held that the defendant’s advertisement was not fair use. It concluded that the advertisement captured the “total concept and feel” of the television trailer as well as the particular idiosyncrasies of the character. It also found sufficient evidence that defendant’s commercial irreparably impaired the market value of the Superman character’s protected features for licensing purposes or otherwise.
Tags	Second Circuit; Film/Audiovisual; Parody/Satire
Outcome	Fair use not found

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