

**Hustler Magazine, Inc. v. Moral Majority, Inc.,  
796 F.2d 1148 (9th Cir. 1986)**

Year	1986
Court	United States Court of Appeals for the Ninth Circuit
Key Facts	Plaintiff Hustler Magazine, Inc. alleged that defendants infringed its parody of a Campari liquor advertisement, which featured fundamentalist minister Reverend Jerry Falwell. Defendants Moral Majority, Inc., a conservative political lobbying group, and Old Time Gospel House, a corporate sponsor of religious broadcasts, included slightly edited copies of Hustler's parody with direct mailings sent out to raise funds so that Falwell could sue Hustler. Plaintiff appealed the district court's judgment that mailing copies of the parody as part of a fundraising campaign was fair use.
Issue	Whether it was fair use for defendants to mass reproduce and distribute plaintiff's parody advertisement as part of a campaign to raise money so that the subject of the parody could sue plaintiff.
Holding	The court upheld the lower court's finding that defendants' reproduction and distribution was a fair use, despite the fact that the defendants reproduced essentially the entire work and were at least partially motivated by the commercial goal of raising funds for litigation. The court found that the character of the use—as a rebuttal of a personal attack—is similar to the two examples of fair uses given in Section 107 of the 1976 Copyright Act: criticism and comment. Additionally, the court found that there was no effect on the plaintiff's market, as defendants' target audience was not likely to include many readers of plaintiff's explicit magazine.
Tags	Ninth Circuit; Painting/Drawing/Graphic; Review/Commentary; Textual work
Outcome	Fair use found

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