

**Brownmark Films, LLC v. Comedy Partners,
682 F.3d 687 (7th Cir. 2012)**

Year	2012
Court	United States Court of Appeals for the Seventh Circuit
Key Facts	Defendants Comedy Partners created the comic animated television show <i>South Park</i> about “the adventures of foul-mouthed fourth graders in the small town of South Park, Colorado.” As a humorous commentary on and critique of the internet viral video concept, defendants produced an animated version of plaintiff Brownmark Films’ popular internet music video that featured a man singing and dancing in tight pants. The district court stated that only a “fleeting glance” was needed to realize that defendants’ use of plaintiff’s video was meant to “lampoon the recent craze in our society of watching video clips on the internet ... in other words, fair use.” Plaintiff appealed.
Issue	Whether defendants’ animated parody version of plaintiff’s popular internet video was fair use.
Holding	Agreeing with the lower court, the Seventh Circuit found this to be an “obvious case of fair use.” In particular, the court found that the parodic use at issue was transformative, and that the defendants’ video was “clearly a parody and has not supplanted the original.” Regarding the market for plaintiff’s video, the court found that the plaintiff failed to provide any evidence of market harm, and noted that the likely effect of the defendants’ video, “ironically, would only increase ... revenue.”
Tags	Seventh Circuit; Film/Audiovisual; Parody/Satire
Outcome	Fair use found

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