

March 1, 2018

Mr. Travis Sharp
Dad's Garage
569 Ezzard St.
Atlanta, Georgia 30312

Re: "The Parody Musical Wicket" / Parody Analysis

Dear Travis:

I am writing this letter to provide you with my opinion regarding "The Parody Musical Wicket" (the "Musical"), and, specifically, whether the use of certain aspects of the *Star Wars* films (collectively, "Star Wars Works") is permissible fair use under the United States Copyright Act, 17 U.S.C. § 101 *et seq.* (the "Copyright Act").

Generally speaking, a fair use is any copying of copyrighted material done for a "transformative" purpose, such as to comment upon, criticize, or parody a copyrighted work. Fair use is a defense against a claim of copyright infringement. If your use qualifies as a fair use, then it would not be considered an infringement.

Section 107 of the Copyright Act enumerates four "fair use factors" that must be analyzed to determine whether a particular use of a copyrighted work, such as a parody, is fair use. These factors are the (1) purpose and character of the use; (2) nature of the copyrighted work; (3) amount and substantiality of the portion used in the newly created work in relation to the copyrighted work; and (4) effect of the use upon the potential market for or value of the copyrighted work.

Parodies have a long-standing tradition in our society and have received wide protection from courts in our nation's jurisprudence. This protection stems largely from the free speech rights guaranteed under First Amendment.

A parody is a work that ridicules another, usually well-known work, by imitating it in a comic way. A work is a parody under a copyright analysis "if its aim is to comment upon or criticize a prior work by appropriating elements of the original in creating a new artistic, as opposed to scholarly or journalistic, work." *CCA & B, LLC v. F+W Media Inc.*, 819 F. Supp. 2d 1310, 1318 (N.D. Ga. 2011). "Parodies inevitably borrow[] portions of the copyrighted work in order to evoke the work for purposes of comment or critique." *Id.*

The Musical is a highly-transformative comedic work designed to comment upon and criticize the Star Wars Works, not merely to build-upon, expand, or reinterpret the Star Wars Works. The

Musical utilizes only so much of the Star Wars Works as is necessary to evoke the works for purposes of comment and critique. And, while the Musical is comedic in nature, it is highly-critical of the Star Wars Works. For example, the Musical:

1. Exposes Star Wars' extremely limited use of minority characters, usually in inconsequential roles;
2. Exposes Star Wars' limited use of female characters (94% of all dialogue is said by males) often in victim roles;
3. Criticizes Star Wars' use of their entertainment platform to sell billions of dollars of toys to easily influenced children;
4. Criticizes Disney and Lucasfilm's use of copyright law to stifle fans' voices;
5. Criticizes George Lucas' hubris, as he took credit for all of the films' success, minimizing the contributions of his many co-creators;
6. Challenges Disney's aggressive intellectual property stance which chills parody speech; and
7. Criticizes the artistic choices Lucasfilm made as the franchise became a billion dollar brand.

I also note that the Musical in no manner diminishes the commercial value of the Star Wars Works, *i.e.*, it does not compete with the Star Wars Works or otherwise "shrink the market" for the Star Wars Works.

For these reasons, it is my opinion that the Musical meets the definition of parody and, as such, does not infringe the Star Wars Works. Please let me know if you or other have questions concerning this matter.

Sincerely,

ARNALL GOLDEN GREGORY LLP



J. Tucker Barr