

**Northland Family Planning Clinic, Inc. v. Ctr. for Bio-Ethical Reform,
868 F. Supp. 2d 962 (C.D. Cal. 2012)**

Year	2012
Court	United States District Court for the Central District of California
Key Facts	Plaintiff Northland Family Planning Clinic (NFPC) produced videos for the purpose of “outreach, counseling, and education in an effort to de-stigmatize abortion.” Defendant Center for Bio-Ethical Reform (CBR) took NFPC clips and narration to use in their own videos, juxtaposed with graphic images of abortion procedures and aborted fetuses, and distributed their videos online.
Issue	Whether it was fair use for CBR to use clips from NFPC videos in its own videos.
Holding	The court held that CBR’s use of the NFPC videos was fair use. It found that the CBR video was a transformative parody that commented on the NFPC videos. While the NFPC videos were “informational, functional, and creative,” the court found this weighed only slightly in favor of plaintiff because it determined that this factor was not “terribly significant” when considering fair use, particularly in the context of parody. The court also determined that, as a parody, the CBR video had more leeway regarding the substantiality and amount of the original work used, and that CBR used no more than necessary to convey its message. Lastly, the court found that there would be no cognizable harm to the market for the original videos as a result of CBR’s use, clarifying the difference between “biting criticism that merely suppresses demand and copyright infringement, which usurps it.”
Tags	Ninth Circuit; Film/Audiovisual; Parody/Satire
Outcome	Fair use found

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