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## PARODY – it’s a RIGHTS larf!

### What’s this all about?

Does parody breach copyright? Or is it exempt, as a “copyright exception”? The UK has done without an exception for parody, caricature or pastiche, and still managed to produce Monty Python, Harry Enfield and Brass Eye. Being able to hint at, rather than copying, has always been a proud cultural characteristic, and across the country you’ll hear copyright lawyers claiming that for this very reason we don’t need an exception for it.

Truth be told, a parody exception has allowed great things in the US and in countries like France. ‘The Wind Done Gone’ could get away with many paragraphs ripped out of ‘Gone with the Wind’, and the copyright exception enabled a book to be published that is arguably more interesting than the original work!

Those who are in favour of a parody exception fear that the lack of it could limit freedom of speech – and they have a point. Alicia Key’s song ‘New York’ had been spoofed mercilessly in the US (without issue) whereas the UK-based version was removed from YouTube on the insistence of Universal. Even the Hargreaves Report has called for a parody exception to be introduced in the UK.

### Why should I care?

The parody exception (together with quotation exceptions - to be discussed in a future Zoid paper) is significant for commercial licensees, as its adoption in the UK will provide greater freedom to use others’ works for the purpose of parody. This will permit “minor” uses of other people’s copyright material in parodies (‘minor’ being as vague a term as ‘substantial’, both of which are real hits with IP lawyers), but would no longer be undermined by restrictions imposed by other means (eg. contractual terms).

### Conclusion

It may sound like a copyright amnesty, but it’s more restrictive than that. Those who license the work of others while producing their own could see an increased usage of their own work without the user’s need to ask for a licence, and may experience a loss of income in that respect, but at the same time commercial use from third parties of parodied works will result in a source of

income for both the author/owner of the parody and the owner of the original work – something that owners of original works tend not to allow at the moment, which has resulted in inspiring and well-made creative material being made unavailable for usage by others.

Please contact us for further information.  
Richard Philpott - ZOOID PICTURES LIMITED

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