

Fair Use Scenario One:

While in film school, you produced a funny, sardonic short film, looking at the role of characters of color in the *Star Wars* series and what their treatment reveals about George Lucas' attitudes toward race and racism. You focused particularly on Darth Vader.

Now you would like to take this project and develop an hour-long essay-style documentary that quotes liberally from several of the Lucas films. In particular, you want to analyze the scene from *Revenge of the Sith* in which Anakin Skywalker definitively turns to the dark side, murdering the Jedi played by Samuel L. Jackson. You believe that before broadcast or educational distribution, the feature-length version (only 70 minutes, making it easier to trim down for broadcast) will launch at the Sundance Film Festival to wide acclaim.

Do you have a fair use right to quote extensively from the *Star Wars* series throughout your film, how extensively?

Can you claim fair use for an entire scene, such as the murder scene from *Revenge of the Sith*?

Scenario Two:

You are planning to make a series of films on the “real” Greek myths and epics as they actually were told and understood in ancient times. To show how different those originals were from today’s versions of the same stories, you plan to quote from Hollywood films. For instance, in an episode devoted to the hero Jason, you would open with a scene from the 1963 version of *Jason and the Argonauts*, in which Jason confronts one of Harryhausen’s terrifying monsters. For a discussion of *The Iliad*, you would like to start with a battle scene from *Troy*, including a close-up of Brad Pitt as Achilles. In each of these cases, you would be choosing a clip that contrasts sharply with what you have found out about the “real” Greek tales.

In addition, you would also like to do entertaining montages showing the importance of Greek myths in modern movies. You might feature Woody Allen’s *Mighty Aphrodite*, Pier Paolo Pasolini’s *Medea*, and the Disney animated film *Hercules* in such a montage and use evocative short clips to make the point of the continuing importance of Greek culture in general.

Do you have a fair use right to use the introductory clips contrasting with your research results?

Can you claim fair use for montages of clips from popular films to make a general point about the pervasiveness of these references in films today?

Fair Use Scenario Three:

You are making a film about the emotional and learning challenges facing young adolescent girls who attend a particular middle school in Prince George's County, Maryland. You have filmed your subjects hanging out at the mall, going to movies, and being with each other at home. Along the way, you have filmed or recorded corporate logos, movie posters, piped-in music in stores, television programs on television sets in private homes, and broadcasts heard on car radios. Then at one point, on their way to a soccer game, the girls spontaneously sing along (more or less from start to finish) with a popular song that happens to be on the air. While at a sleepover, the girls repeatedly play a CD track of their favorite performer (a best-selling Warner Brothers artist) and practice dance steps to it.

Do you have a fair use right to use all the commercially-created culture these girls encounter when they go out in public? Are there any limits on that right?

Should you be able to claim fair use for your footage of their sing-along in the car?

What about the music they choose to practice their dance steps?

Fair Use Scenario Four:

Inspired by Vikram Jayanti's *Feast of Death*, you are making a film about a famous crime that took place on the Eastern Shore of Maryland some 40 years ago. It involved gruesome and seemingly obsessive mutilations to a young boy's corpse. You have returned to the scene of the crime, filmed the community, and interviewed surviving local residents. One person suddenly remembers that she has an image of the crime scene – a print given to her at the time by the photographer. This previously unpublished picture not only brilliantly illustrates a central point you want to make, but it also provides new insight into the incident. You track down the photographer's niece, who handles his estate, but she refuses to license his work; she wants to distance herself and her family from this blight upon local history.

Do you have a fair use right to use this photograph in your film?