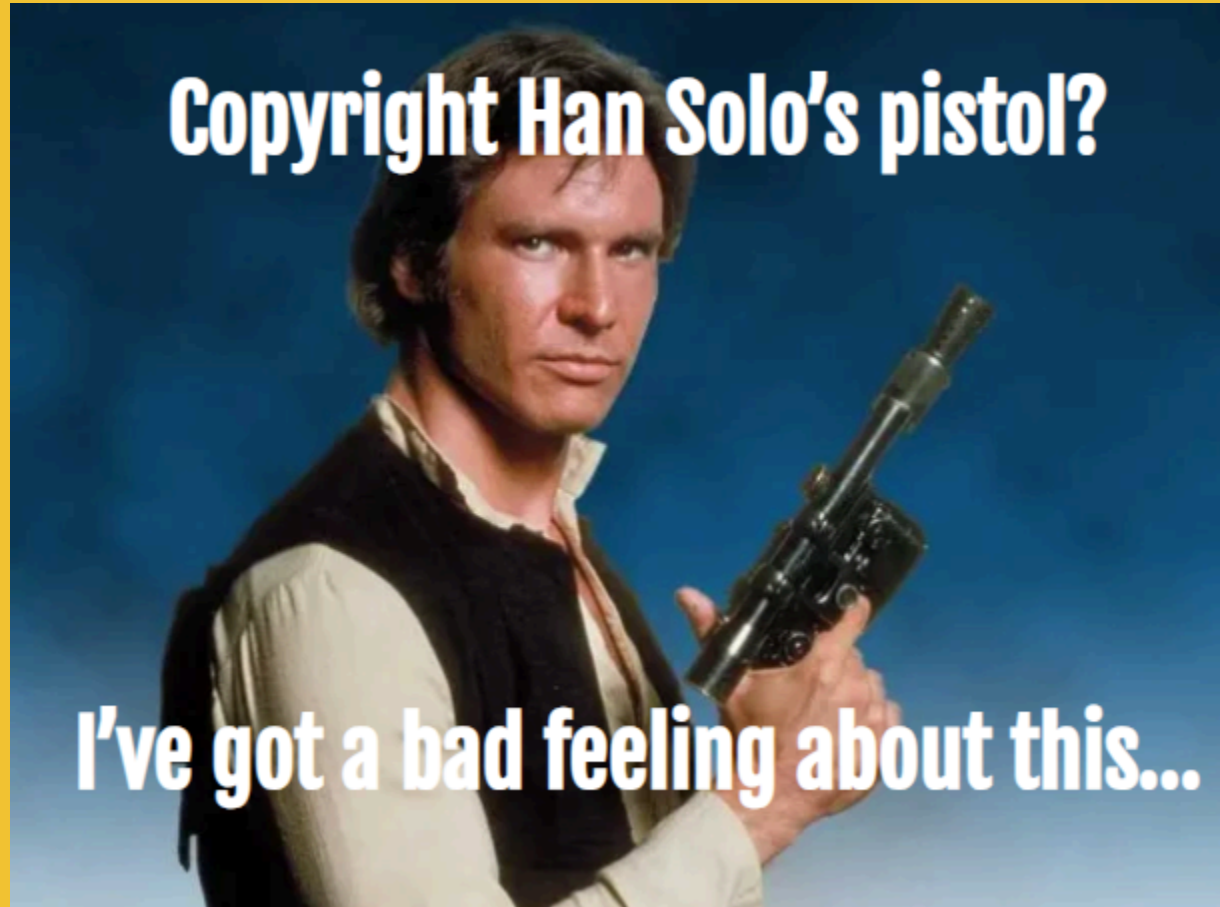


A Case for Copyright Infringement

K Atkinson

Copyrighted Item:

Han Solo's DL-44 heavy blaster pistol.



Overview:

Han Solo's Gun from the Star War trilogy is used as Hot Dog Jone's primary weapon in WeinerWare Entertainment's newest videogame. This DL-44 heavy blaster pistol appears in Episodes IV-VII, as well as "Solo: A Star Wars Story". This weapon is a recognizable and integral part of Han Solo's identity, its appearance contributing the iconic imagery of his character.



Claim:

WeinerWare Entertainment's use of Han Solo's DL-44 heavy blaster pistol from Star Wars is a direct infringement of the Copyright Act of 1976, which outlines the rights and protections granted to creators of original works, including literary, musical, dramatic, and artistic works, as well as specific categories such as motion pictures and sound recordings.

Rebuttal:

WeinerWare Entertainments revokes the above claim with a rebuttal that entails Fair Use Doctrine. Fair Use is a legal doctrine that allows for the limited use of copyrighted material without obtaining permission from or paying royalties to the copyright holder. To argue Fair Use, we assert that our use of Han Solo's pistol meets the following doctrinal criteria:

1. Purpose and Character of Use: The use of the pistol in "Hot Dog Jones: The Video Game" is transformative. This means that the pistol is used in a new context than it was used in the Star Wars trilogy. For example, we use the pistol as a weapon attached to a pixel-animated hot dog, not a real-life paid actor like Harrison Ford. Additionally, the pistol will not be shooting lasers, instead it will shoot small hot dogs. A "*Bop! Bop!*" noise will sound when the pistol fires, whereas Han Solo's weapon sounds a "*Pew! Pew!*" noise when fired in the movies. Lastly, the pistol will be rendered in 2D, a significant change from the 3D rendering in the Star Wars trilogy.
2. Nature of the Copyrighted Work: Han Solo's pistol is a fictional object from a larger copyrighted work (Star Wars), and the use in our video game is different from using the pistol in a large reproduced or distributed work like a movie. The nature of the video game is outside the realm of a typical cinematic production.
3. Amount and Substantiality of the Portion Used: Our use of the pistol is minimized to elimination of the enemies and firing of bullets. Such a small scale of usage does not infringe upon the original work, as its functionality and scope vary considerably from how the pistol is used in the Star Wars trilogy. Overall, the inclusion of the pistol is not the primary focus of the Hot Dog Jones video game.
4. Effect on the Potential Market: The market to the original work of the Star Wars films is not jeopardized by our usage of the Han Solo pistol. Our game is unlikely to serve as a substitute for the Star Wars merchandise or content. Instead, players who recognize the pistol in our videogame may be encouraged to watch/rewatch the Star Wars trilogies which could increase interest in the original work and thus benefit the copyright holder.
5. De Minimis Use: In conjunction with bullet 4, we also argue that the use of Han Solo's pistol is so minimal or trivial that it does not constitute infringement under the principle of de minimis use. After all, the weapon rendered in the game may be too small to be recognizable by the average video game player. Only super-fans of Star Wars would be able to name the identity of Hot Dog Jones's weapon as Han Solo's DL-44 heavy blaster pistol. Since the pistol does not detract from the original's work's market value or represent a significant portion of the game's content, we assert that our use of the pistol is not copyright infringement.



Sources:

[Copyright Act \(Title 17\)](#)

[US Copyright Office Fair Use Index](#)

[De Minimis Use](#)