**YOU ARE THE JURY: MGM v. Honda**

Someone accused of violating a copyright may defend themselves on the ground that they made “fair use” of the copyrighted work. It is not a violation of copyright law to use a copyrighted work for criticism, comment, news reporting, teaching, or research. This is called “**fair use**.” You will determine fair use based on three factors:

* **How Much was Copied** (Does it have a lot of the same style and feel as the original? Or were major changes made?)
* **Purpose of Use** (Was this used for satire or comedy, or to criticize it? Or was it used to make money?)
* **Effect on Market for Original** (Does the copy make the original less valuable? Would more people buy the copy?)

**DIRECTIONS**: Evaluate the evidence that you saw in the trial. Read through the following questions and put an “X” next to the answer that you think fits best.

1) Based on the evidence, did Honda borrow at least some of the ideas behind James Bond?

\_\_\_X\_\_\_ Yes

\_\_\_\_\_\_ No

2) Based on the evidence, did Honda duplicate the James Bond character and plots from previous movies in their entirety?

\_\_\_\_\_\_ Yes

\_\_\_\_\_\_ No

3) Based on the evidence, does the Honda commercial seem to have the same style and feel as a James Bond movie?

\_\_\_\_\_\_ Yes, the evidence shows that the commercial has similar elements, music, and style to a James Bond movie.

\_\_\_\_\_\_ No, the evidence shows that the commercial is like any action movie and is not unique to James Bond.

4) Based on the evidence, does it seem like Honda treats the idea of James Bond in a serious way?

\_\_\_\_\_\_ Yes, the James Bond character in the ad is supposed to look cool.

\_\_\_\_\_\_ No, the ad is making fun of James Bond films, and it is trying to make the James Bond character look ridiculous.

5) Based on the evidence, does the commercial seem to have a positive opinion of James Bond?

\_\_\_\_\_\_ Yes, Honda does not seem to have a problem with James Bond.

\_\_\_\_\_\_ No, the ad shows that Honda has a negative opinion of James Bond movies and is criticizing or critiquing them.

6) Was the goal of the Honda commercial to make money?

\_\_\_\_\_\_ Yes

\_\_\_\_\_\_ No

7) If James Bond was already linked to Honda cars, do you think the makers of another car brand would be less likely to pay for the rights to use James Bond in their commercials?

\_\_\_\_\_\_ Yes, James Bond would have little value to a company like BMW or Mercedes if people already associate James Bond with Honda cars.

\_\_\_\_\_\_ No, a company like BMW or Mercedes might still buy the right to use James Bond in an ad even if people already think of James Bond and Honda cars together.

8) Based on the evidence, do you think that Honda copied much of the James Bond idea?

\_\_\_\_\_\_ Yes, Honda took many ideas from James Bond, even if they added a few of their own.

\_\_\_\_\_\_ No, Honda used mostly their own ideas.

9) Now add up the number of YES and NO responses and tally them: \_\_\_\_\_\_ YES \_\_\_\_\_\_ NO

10) Which do you have more of? \_\_\_\_\_\_\_\_\_\_\_\_\_

11) **Verdict:** Do you find Honda **guilty** or **not guilty** of copyright infringement? \_\_\_\_\_\_\_\_\_\_\_\_\_

12) What piece(s) of evidence did you find most convincing in helping you reach your verdict? Why did this convince you that Honda was guilty or not guilty of copying the James Bond idea?

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13) Why do you think a trial by jury might be important? What could happen without it?

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