

## **The GoldieBlox Video: Copyright Infringement or Fair Use?**

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### **Abstract**

GoldieBlox posted a video to its website that depicted young girls creating an elaborate and entertaining Rube Goldberg device. The only audio in the video a performance of the Beastie Boys song “Girls” with the original misogynistic lyrics changed to be empowering to girls and women. The musicians believed that the use without their permission of the music was an infringement of their intellectual property rights. GoldieBlox argued that the use was permissible as a fair use, specifically that the song GoldieBlox created was a parody of the original song. Because fair use is a defense to a copyright infringement claim and is only asserted once a copyright owner has proven that claim, there was inherent uncertainty in whether GoldieBlox’s use would be protected. Accordingly, GoldieBlox had to evaluate its legal risk and decide whether to continue to assert its rights to the song in the video.

### **Learning Outcomes**

In completing this assignment, students should be able to:

1. Examine the underlying principles and public policy of copyright law in the context of a real-life situation.
2. Evaluate a party’s use of a creative work of another in light of the law of copyright and copyright infringement, specifically with respect to the creation of derivative works.
3. Analyze a legal defense from two perspectives to advocate for a position and to determine the strength of an opponent’s arguments.

### **Application**

The critical incident is appropriate for classes in business law, the legal environment of business, intellectual property law, copyright law, arts and entertainment management, public policy and ethics. It was tested in three business law courses at the undergraduate level.

### **Key Words**

law, copyright, social media, music licensing, derivative works

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