

“South Park” Sued for Copyright Infringement Over Re-Creation of YouTube Video

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Brownmark Films, the creators of a YouTube music video that has received more than 34 million views, recently sued Viacom, MTV, and others for copyright infringement after a re-creation of the song and music video was included in a 2008 episode of “South Park” on Comedy Central. Brownmark Films claims that “South Park” displayed a “nearly frame-by-frame re-creation of the heart of the [plaintiff’s] audiovisual work,” which has caused the plaintiff “great and irreparable injury.” Brownmark Films is seeking a permanent injunction and actual damages or maximum statutory damages. Comedy Central has indicated that it believes the video is a parody and is protected against claims of copyright infringement under the fair-use doctrine.

TIP: Remember that the fair-use doctrine requires a fact-specific and multifactor analysis, and it can often be expensive to defend a copyright infringement claim, even when you have a viable fair use defense. Also keep in mind that works published on YouTube, although free to access and view, are protected by copyright and require permission for use.

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