

**Arrow Prods., Ltd. v. The Weinstein Co., LLC,  
44 F. Supp. 3d 359 (S.D.N.Y. 2014)**

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| Year      | 2014                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Court     | United States District Court for the Southern District of New York                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Key Facts | Plaintiff entertainment company owns the copyrights to a pornographic film titled <i>Deep Throat</i> . In 2013, defendant produced the film <i>Lovelace</i> , which is based on the biography of Linda Lovelace, the star of <i>Deep Throat</i> . Plaintiff alleged that three scenes in defendant's film infringed corresponding scenes in <i>Deep Throat</i> .                                                                                                                                                                  |
| Issue     | Whether defendant's recreation and use of three scenes from plaintiff's copyright protected film in a new film about the star of plaintiff's film was fair use.                                                                                                                                                                                                                                                                                                                                                                   |
| Holding   | The court held that defendant's recreation and use of three scenes from <i>Deep Throat</i> in a film based on the biography of Ms. Lovelace was fair use. The court found defendant's use transformative, as it added a "new, critical perspective" on the life of Ms. Lovelace. The court also found that, despite the creative nature of <i>Deep Throat</i> , the defendant only copied elements of three short segments from the film and did not copy the heart of the film, which weighed in favor of a finding of fair use. |
| Tags      | Second Circuit; Film/Audiovisual; Review/Commentary                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Outcome   | Fair use found                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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