

**Dall. Cowboys Cheerleaders, Inc. v. Scoreboard Posters, Inc.,
600 F.2d 1184 (5th Cir. 1979)**

Year	1979
Court	United States Court of Appeals for the Fifth Circuit
Key Facts	Plaintiffs the Dallas Cowboys Cheerleaders, Inc. alleged that defendants Scoreboard Posters infringed their poster of several Cowboys cheerleaders posed in official cheerleading outfits by creating a similar poster. Defendant's poster showed several former Cowboys cheerleaders—who formed a group called “The Texas Cowgirls”—in a nearly identical pose and wearing uniforms that were nearly identical to the Cowboys cheerleaders’ official uniform. The Texas Cowgirls’ uniforms were unbuttoned, thereby exposing their breasts. Defendants pointed to this as evidence that the poster was a parody of the original. Plaintiff sought a temporary restraining order to prevent distribution of the poster. The district court granted the order.
Issue	Whether the district court abused its discretion in determining that defendants’ unauthorized creation of a poster nearly identical to plaintiff’s, with slight modifications, did not constitute fair use.
Holding	The Fifth Circuit held that the district court did not abuse its discretion in finding that defendants’ substantially similar poster did not constitute a fair use of the original. While the defendants argued that the modifications made to the poster rose to the level of a permissible parody, the court found that defendants had failed to substantiate their fair use defense with anything beyond unelaborated invocation of the term “parody.” Thus, the district court did not abuse its discretion in granting a preliminary injunction.
Tags	Fifth Circuit; Parody/Satire; Photograph
Outcome	Fair use not found

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