

Copyright Fair Use: A Comment on the Parody Defense

Published in the *New York Law Journal*

October 15, 2009

With increasing frequency, the success or failure of the "fair use" defense in litigation concerning copyrighted material depends on whether the challenged work "parodies" the pre-existing work. This article examines how courts have analyzed whether an asserted parody qualifies for fair use protection in the leading Supreme Court case of *Campbell v. Acuff-Ross Music Inc.* and its progeny, including the recently issued, currently on appeal, decision from the Southern District of New York in *Salinger v. Colting*, in which the parody fair use defense was rejected at the preliminary injunction stage.

Attorney advertising. Published as a source of information only. The material contained herein is not to be construed as legal advice or opinion.

©2026 Katten Muchin Rosenman LLP.

All rights reserved. Katten refers to Katten Muchin Rosenman LLP and the affiliated partnership as explained at [katten.com/disclaimer](https://www.katten.com/disclaimer).