

Fair Use on The Loose For The Great Dr. Seuss!

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You may

remember, you may recall,
A certain infringement suit filed last fall.
It was filed by the heirs of the great Dr. Seuss,
And now they've run smack dab into the doctrine of fair use.

Let me tell you what happened, it's a tale worth telling,
For the defendant is cheering, and the plaintiff is yelling.
How did this suit start? Why was the doc in a fix?
It all started with the company called ComicMix.

They do mish-ups and mash-ups, wreaking havoc and heck,
And their latest creation mixed Dr. Seuss with Star Trek.
They gave it a title, it's surely one that you know,
They called it "Oh, The Places You'll Boldly Go!"

The plaintiff did not like it, not one little bit,
And they fussed and they fumed, and were in quite a twit.
So they filed a lawsuit, with a big ferocious bark,

"Stop copying our work and infringing our mark!"

"Copy, you say?" Defendant said with a hiss,

"We are going to file a motion to dismiss!"

And file they did, under rule 12(b)(6),

Filed their motion, did ComicMix.

Perhaps to their surprise, and their utter delight,

The Court said, "Hey, ComicMix, you're largely right."

The Court said it was fair for the use of the mark,

Those claims were gone, tossed into the dark.

But the copyright claims, oh those will stay for a while,

Plaintiff holds on, and will take those to trial.

The Court plowed through fair use, plowed through like a tractor,

And it all came down to that last fair use factor.

The Court said it wasn't clear if the market value was hurt,

That's a question for the jury, it will be on alert.

So, the saga continues, there may be no truce,

For fair use is on the loose for the great Dr. Seuss!