

**Friedman v. Guetta,
No. CV 10-00014 DDP (JCx) (C.D. Cal. May 27, 2011)**

Year	2011
Court	United States District Court for the Central District of California
Key Facts	In 1985, plaintiff Glen Friedman took a photograph of members of the famous hip-hop music group Run-DMC wearing Stetson hats. In 1994, he published this photo in a book titled <i>Fuck You Heroes</i> . Defendant Thierry Guetta, an artist, downloaded the photo from the internet and incorporated parts of the image into four visual artworks that he publicly displayed and offered for sale.
Issue	Whether defendant's copying and incorporation of plaintiff's photograph into his own artwork constituted fair use.
Holding	The court ruled that defendant's use of plaintiff's photograph was not a fair use. In reaching its determination, the court held that incorporating the Friedman photograph into defendant's artwork was not distinct enough to be transformative. The court additionally held that defendant's use of substantial portions of the original photograph, namely Run-DMC's faces, weighed against a finding of fair use. Lastly, the court found that defendant's use had a negative impact on the potential market for the original work because it competed directly with plaintiff's own commercial and artistic use.
Tags	Ninth Circuit; Photograph
Outcome	Fair use not found

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