



IP ITeaser 057:

Anything, anywhere, all...

Parody is one of the great art forms: the intentional copying of the style or format of some well-renowned work in a manner that highlights some particular feature in, typically, a humorous way. A recent example arose in *Shazam Productions Ltd v Only Fools The Dinning Experience Ltd* [2022] EWHC 1379 (IPEC), [2022] FSR 25, where a themed, interactive, dining show sought to pay homage and parody the well-known TV series *Only Fools and Horses*. The CDPA 1988 s. 30A provides a defence for parody for what would otherwise constitute copyright infringement. There are two types of parodies: a parody of the original, or the use of a parody of an original work but with the intention of using that parody to comment upon a third party. Both forms are likely to involve original artistic expression, but importantly the latter form might also involve freedom of expression of, for example, a political nature. Hence, the need to provide protection in a civilised society. In either case, the parody evokes the original, but in a noticeably different way, and in a humorous or mocking manner.

Critically, a parody expresses an opinion, rather than being mere imitation – which turns us full circle to the title to this piece. It ironically mocks the fact that parody defences very rarely succeed; rather, they are commonly invoked as the last line of defence in a losing battle to a finding of infringement, as occurred in the case above. Maybe judges just don't have a sufficient sense of humour for parody defences to cross the multiverses from theoretical to actual defences and so bring harmony to the copyright world.