

# *Valley Bible Church – Legal Analysis*

## **The Legal Analysis of our Parodies**

By Gerry Andersen

The Valley Bible Church parodies are true parodies that involve comparison with the subject of the original song. We did not just take a popular melody and put new words to it, but we sought to use the concept of the original song to shed spiritual truth on that concept.

We have used the vehicle of parody in order to communicate spiritual truth and aid our teaching because it allows the listener to connect in a unique way with the truth. It enhances the learning process by using something that is familiar and understood as a foil.

The United States copyright law specifically allows a "fair use" exception to the law for parody. There are four criteria that have been used by the United States courts to determine whether something is indeed a true parody and covered by the exception clause. None of these by themselves determine whether the parody qualifies as "fair use" but taken together, they are weighed. We believe there is no question that these songs would be considered as true parody when these tests are applied.

### **1. The purpose and character of use**

a. Is the use for educational or commercial purposes?

Our work is not only done by a non-profit religious organization, Valley Bible Church, it is done for the purpose of instructing more than entertaining. This should be quite evident from the lyrics of our parodies. In addition, not only are these parodies done by a non-profit organization, but not a dime of the money given in support of these songs goes to any individual. It is entirely used to offset the cost of the production of our music.

b. Is the use for purposes of criticism, comment, reporting, teaching, scholarship or research?

While our purpose is instructional, the nature of our parodies also include at least a subtle criticism of the original song. In this manner, the lyrics of the original songs are not just replaced but replaced in such a way that turns the song in some fashion against its original sense. It is a commentary on the idea of the original as the parody instructs.

c. Is the use transformative?

Most certainly a "creative metamorphosis" (in the words of the courts) has taken place in that our parodies are wholly new and valuable works in and of themselves.

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### **2. The nature of the copyrighted work**

Some types of material are not valuable enough to be considered worth protection under copyright law. The songs we parody are certainly copyrighted works and thus worthy of protection. It should be noted that we parody only songs that have risen to the level of prominence in our culture. These songs are so popular that they are familiar to most, if not all, and have been selected not merely because we liked them but because they aid in communicating the teaching. Because the original is familiar to the listener it adds to content of the teaching.

### **3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole**

In the realm of parody, what is at issue here is whether the amount copied was more than what was necessary to connect the listener to the original song. We have sought to change the lyrics of our songs in total, except in a few places where the song and the parody both share the same words but are used in a different, ironic, sense. Even in that we do this with a single brief phrase, not the heart of the song. Likewise, we have intentionally sought to alter the musical performance sufficiently to call the original to the memory of the listener, not to replicate the music exactly.

### **4. The effect of the use upon the potential market for or value of the copyrighted work**

In our opinion, we have no effect on the market value of any of these parodies. If there were any negligible effect, it would be only that a person might remember a song from their past and purchase it. We certainly do not anticipate our songs replacing the original for anyone.

### **Conclusion:**

We believe that our songs are legal under the fair use clause of the copyright law, supported by the constitutional right in the United States to freedom of religion and freedom of speech. We have intentionally not sought permission to use the original songs as a basis for our parodies because it is unnecessary and because it would not surprise us if more than one copyright holder would be opposed to what we have done on the grounds of their religious point of view. This is why these legal freedoms are important for us to consider and enjoy.

Suffice it to say that our parodies are more safely within the bounds of the copyright law than many other alleged parodies that do little more than put different words to another person's song.