



## Stephen Zralek Talks with IP Watchdog about Warhol/Prince Copyright Fair Use Case Before the Supreme Court

Spencer Fane attorney [Stephen Zralek](#) was quoted by *IP Watchdog* about the recent Supreme Court oral arguments in *The Andy Warhol Foundation v. Lynn Goldsmith*. In that case, celebrity photographer Lynn Goldsmith accused Warhol of copyright infringement for using one of her photographs of the artist Prince when Warhol later created a series of paintings that mimic her photograph. Warhol claims that his paintings are “transformative” and protected by the “fair use” defense.

In the article, [SCOTUS Justices Lob Tough Questions at Both Sides in Prince Photo Fair Use Fight](#), Stephen shares his opinion on the justices’ comments during the oral argument, including their hard questions for both sides and skepticism about the user’s subjective purpose in creating new work that is modeled after the original work.

Stephen explained, “The Court clearly sees this case as a vehicle in which to clarify one of the most difficult tensions in copyright law: is the junior work a derivative of the original – and thus infringement – or is it a transformative use, in which case it is fair use? This case will likely be the most important copyright case decided by the Supreme Court in almost 30 years, when it decided *Campbell v. Acuff-Rose*.”

At Spencer Fane, Stephen is an accomplished litigator who helps clients resolve intellectual property, entertainment, and business disputes in federal and state courts, arbitration, and mediation. With over 25 years of experience, he has dedicated his career to helping clients resolve and avoid complex disputes involving class actions, copyrights, trademarks, patents, rights of publicity, trade secrets, noncompete violations, defamation, and domain disputes, as well as disputes in the

business and entertainment arenas.

Read the full article [here](#). Please note, a subscription may be required.