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Document A

**From *Pride, Prejudice and Zombies: The Classic Regency Romance-Now with Ultraviolet Zombie Mayhem*, by Seth Grahame-Smith and Jane Austen, Quirk Books, 2009, pp. 21-3.**

Elizabeth Bennet had been obliged, by the scarcity of gentlemen, to sit down for two dances; and during part of that time, Mr. Darcy had been standing near enough for her to hear a conversation between him and Mr. Bingley, who came from the dance for a few minutes, to press his friend to join it.

5 "Come, Darcy," said he, "I must have you dance. I hate to see you standing about by yourself in this stupid manner."

"I certainly shall not. You know how I detest it, unless I am particularly acquainted with my partner. At such an assembly as this it would be insupportable. Your sisters are engaged, and there is not another woman in the  
10 room whom it would not be a punishment to me to stand up with."

"Upon my honour!" cried Mr. Bingley, "I never met with so many pleasant girls in my life as I have this evening; and there are several of them you see uncommonly pretty."

15 "You are dancing with the only handsome girl in the room," said Mr. Darcy, looking at the eldest Miss Bennet.

"Oh! She is the most beautiful creature I ever beheld! But there is one of her sisters sitting down just behind you, who is very pretty, and I dare say very agreeable."

20 "Which do you mean?" and turning round he looked for a moment at Elizabeth, till catching her eye, he withdrew his own and coldly said, "She is tolerable, but not handsome enough to tempt me; I am in no humour at present to give consequence to young ladies who are slighted by other men."

25 As Mr. Darcy walked off, Elizabeth felt her blood turn cold. She had never in her life been so insulted. The warrior code demanded she avenge her honour. Elizabeth reached down to her ankle, taking care not to draw attention. There, her hand met the dagger concealed beneath her dress. She meant to follow this proud Mr. Darcy outside and open his throat.

30 But no sooner had she grabbed the handle of her weapon than a chorus of screams filled the assembly hall, immediately joined by the shattering of window panes. Unmentionables poured in, their movements clumsy yet swift; their burial clothing in a range of untidiness. Some wore gowns so tattered as to render them scandalous; other wore suits so filthy, that one would assume they were

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35 assembled from little more than dirt and dried blood. Their flesh was in varying degrees of putrefaction; the freshly stricken were slightly green and pliant, whereas the longer dead were grey and brittle – their eyes and tongues long since turned to dust, and their lips pulled back into everlasting skeletal smiles.

40 A few of the guests, who had the misfortune of being too near the windows, were seized and feasted on at once. As Elizabeth stood, she saw Mrs. Long struggle to free herself as two female dreadfuls bit into her head, cracking her skull like a walnut, and sending a shower of dark blood spouting as high as the chandeliers.

As guests fled in every direction, Mr. Bennet's voice cut through the commotion. "Girls! Pentagram of death!"

45 Elizabeth immediately joined her four sisters, Jane, Mary, Catherine, and Lydia in the center of the dance floor. Each girl produced a dagger from her ankle and stood at the tip of an imaginary five-pointed star. From the center of the room, they began stepping outward in unison – each thrusting a razor-sharp dagger with one hand, the other hand modestly tucked into the small of her back. From a corner of the room, Mr. Darcy watched Elizabeth and her sisters work their way outward, beheading zombie after zombie as they went. He knew of only one  
50 other woman in all of Great Britain who wielded a dagger with such skill, such grace, and deadly accuracy. By the time the girls reached the walls of the assembly hall, the last of the unmentionables lay still.

55 Apart from the attack, the evening altogether passed off pleasantly for the whole family. Mrs. Bennet had seen her eldest daughter much admired by the Netherfield party. Mr. Bingley had danced with her twice, and she had been distinguished by his sisters. Jane was as much gratified by this as her mother could be, though in a quieter way. Elizabeth felt Jane's pleasure. Mary had heard herself mentioned to Miss Bingley as the most accomplished girl in the neighbourhood; and Catherine and Lydia had been fortunate enough never to be  
60 without partners, which was all that they had yet learnt to care for at a ball. They returned, therefore, in good spirits to Longbourn, the village where they lived, and of which they were the principal inhabitants.

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Document B

***Campbell v. Acuff-Rose Music (92-1292), 510 U.S. 569 (1994). United States Supreme Court Ruling.***

Justice Souter delivered the opinion of the Court.

In 1964, Roy Orbison and William Dees wrote a rock ballad called "Oh, Pretty Woman" and assigned their rights in it to respondent Acuff Rose Music, Inc. See Appendix A, *infra*, at 26. Acuff Rose registered the song for copyright protection.

5 Petitioners Luther R. Campbell, Christopher Wongwon, Mark Ross, and David Hobbs, are collectively known as 2 Live Crew, a popular rap music group. In 1989, Campbell wrote a song entitled "Pretty Woman," which he later described in an affidavit as intended, "through comical lyrics, to satirize the original work." App. to Pet. for Cert. 80a. On July 5, 1989, 2 Live Crew's manager informed  
10 Acuff Rose that 2 Live Crew had written a parody of "Oh, Pretty Woman," that they would afford all credit for ownership and authorship of the original song to Acuff Rose, Dees, and Orbison, and that they were willing to pay a fee for the use they wished to make of it. Enclosed with the letter were a copy of the lyrics and a recording of 2 Live Crew's song. See Appendix B, *infra*, at 27. Acuff Rose's  
15 agent refused permission, stating that "I am aware of the success enjoyed by `The 2 Live Crews', but I must inform you that we cannot permit the use of a parody of `Oh, Pretty Woman.' " App. to Pet. for Cert. 85a. Nonetheless, in June or July 1989, 2 Live Crew released records, cassette tapes, and compact discs of "Pretty Woman" in a collection of songs entitled "As Clean As They Wanna Be."  
20 The albums and compact discs identify the authors of "Pretty Woman" as Orbison and Dees and its publisher as Acuff Rose.

Almost a year later, after nearly a quarter of a million copies of the recording had been sold, Acuff Rose sued 2 Live Crew and its record company, Luke Skywalker Records, for copyright infringement. The District Court granted summary  
25 judgment for 2 Live Crew, reasoning that the commercial purpose of 2 Live Crew's song was no bar to fair use; that 2 Live Crew's version was a parody, which "quickly degenerates into a play on words, substituting predictable lyrics with shocking ones" to show "how bland and banal the Orbison song" is; that 2 Live Crew had taken no more than was necessary to "conjure up" the original in  
30 order to parody it; and that it was "extremely unlikely that 2 Live Crew's song could adversely affect the market for the original." 754 F. Supp. 1150, 1154-1155, 1157-1158 (MD Tenn. 1991). The District Court weighed these factors and held that 2 Live Crew's song made fair use of Orbison's original. *Id.*, at 1158-1159.

35 The Court of Appeals for the Sixth Circuit reversed and remanded. 972 F. 2d 1429, 1439 (1992). Although it assumed for the purpose of its opinion that 2 Live Crew's song was a parody of the Orbison original, the Court of Appeals thought the District Court had put too little emphasis on the fact that "every commercial use . . . is presumptively . . . unfair," *Sony Corp. of America v. Universal City Studios, Inc.*, 464 U.S. 417, 451 (1984), and it held that "the  
40 admittedly commercial nature" of the parody "requires the conclusion" that the first of four factors relevant under the statute weighs against a finding of fair

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45 use. 972 F. 2d, at 1435, 1437. Next, the Court of Appeals determined that, by  
"taking the heart of the original and making it the heart of a new work," 2 Live  
Crew had, qualitatively, taken too much. *Id.*, at 1438. Finally, after noting that  
the effect on the potential market for the original (and the market for derivative  
works) is "undoubtedly the single most important element of fair use," *Harper &*  
*Row, Publishers, Inc. v. Nation Enterprises*, 471 U.S. 539, 566 (1985), the Court  
of Appeals faulted the District Court for "refus[ing] to indulge the presumption"  
50 that "harm for purposes of the fair use analysis has been established by the  
presumption attaching to commercial uses." 972 F. 2d, at 1438-1439. In sum,  
the court concluded that its "blatantly commercial purpose . . . prevents this  
parody from being a fair use." *Id.*, at 1439.

55 We granted certiorari, 507 U. S. \_\_\_\_ (1993), to determine whether 2 Live Crew's  
commercial parody could be a fair use.

It is uncontested here that 2 Live Crew's song would be an infringement of Acuff  
Rose's rights in "Oh, Pretty Woman," under the Copyright Act of 1976, 17 U.S.C.  
§ 106 (1988 ed. and Supp. IV), but for a finding of fair use through parody. From  
the infancy of copyright protection, some opportunity for fair use of copyrighted  
60 materials has been thought necessary to fulfill copyright's very purpose, "[t]o  
promote the Progress of Science and useful Arts . . . ." U. S. Const., Art. I, § 8,  
cl. 8. For as Justice Story explained, "[i]n truth, in literature, in science and in  
art, there are, and can be, few, if any, things, which in an abstract sense, are  
strictly new and original throughout. Every book in literature, science and art,  
65 borrows, and must necessarily borrow, and use much which was well known and  
used before." *Emerson v. Davies*, 8 F. Cas. 615, 619 (No. 4,436) (CCD Mass.  
1845). Similarly, Lord Ellenborough expressed the inherent tension in the need  
simultaneously to protect copyrighted material and to allow others to build upon  
it when he wrote, "while I shall think myself bound to secure every man in the  
70 enjoyment of his copy right, one must not put manacles upon science." *Carey v.*  
*Kearsley*, 4 Esp. 168, 170, 170 Eng. Rep. 679, 681 (K.B. 1803).



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Document C

**Sandro Miller, Dorothea Lange / *Migrant Mother*, Nipomo, California (1936), from the series *Malkovich, Malkovich, Malkovich: Homage to Photographic Masters*, 2014. 12 x 9¼" pigment print.**

