Teacher's Guide

iCivics

James Bond in a Honda? Trial Simulation Lesson

Time Needed:
Two Class Periods
Materials Needed:
Student worksheets; Projector (if possible)
Copy Instructions:
Trial Script *(8 pages, class set)*
Worksheet *(2 pages, class set)*
Jury Instructions *(1 page, class set)*
Evidence Cards *(1 set per group)*
Jury Deliberation Sheets *(1 set per group)*
Verdict Slips *(1 per group)*

Learning Objectives

The students will be able to:

- Simulate participation in a trial by reading a script
- Identify the major components and players in a trial
- Simulate jury deliberation by applying real laws to the facts in the trial in order to reach a verdict.
- Evaluate the arguments of both sides in the trial

STEP BY STEP

PREPARE by making arrangements to access the following YouTube video, if possible: http://www.youtube.com/watch?v=gqa-b3assCA

Day One

- ❑ **ANTICIPATE** by asking students if they know what a copyright is. Ask what kinds of things they think can be copyrighted (i.e., books, movies, music, artwork). Next, ask what they think it would look like if someone took someone else to court for copyright violation. Ask volunteers to help paint a mental picture of who would be in the courtroom during the trial.
- ❑ **DISTRIBUTE** one trial transcript to each student.
- ❑ **ASSIGN** roles for reading the transcript. Plan to have students switch off reading the lawyer roles so more students get a chance to read.
- ❑ **READ** the trial transcript as a class. You will show the YouTube video during the reading. If you can't show the video, that's okay. The activity will still work.
- ❑ **TELL** the class that tomorrow they will play the role of the jury. It will be their job to study the evidence and decide which side should win the case.
- ❑ **ASSIGN** the 2-page review worksheet

Day Two

- ❑ **DISTRIBUTE** one "Jury Instructions" page to each student.
- ❑ **READ** the jury instructions together as a class.
- ❑ **GROUP** students into groups of four. (For classroom management reasons, this lesson does not attempt to re-create a 9- or 12-person jury.)
- ❑ **DISTRIBUTE** jury deliberation pages so that each student in the group has a different page.
- ❑ **EXPLAIN** that each student is responsible for filling out his or her sheet, but that they must discuss each sheet as a group to decide the answers.
- ❑ **CIRCULATE** around the room as the "jury" groups deliberate, making sure they are working together as a group on each issue. Important: In the real case, the court found that Honda did copy James Bond. This must be found before the fair use question makes sense, so do your best to steer the groups toward deciding "yes" on whether Honda copied James Bond.
- ❑ **DISTRIBUTE** one verdict slip to each group. Collect the completed slips, bring the class back together, and close by discussing the results.

This lesson plan is part of the *Judicial Branch* series by iCivics, a nonprofit organization dedicated to advancing civic education. For more teaching resources and state standards alignment for this lesson, please visit www.iCivics.org. Provide feedback for this lesson at feedback@icivics.org. ©2011 iCivics, Inc. You may copy, distribute, or transmit this work for noncommercial purposes if you credit iCivics. All other rights reserved.

James Bond in a Honda?

TRIAL SCRIPT

Roles

Judge
Bailiff
Court Clerk
Court Reporter
MGM Lawyer
Honda Lawyer
Morgan Matsuda (Ad Agency VP)
Devon Dominic (Ad Agency Employee)
Sandy Smith (Casting Director)
Jamie Jones (Honda Executive)
MGM Executive (Hayden Hunt)
Avery Adams (Expert #1)
Professor Casey (Expert #2)
Taylor Trent (Expert #3)

JUDGE: The court will now hear the case of Metro Goldwyn Mayer versus American Honda Motor Company. Counsel, are you ready to proceed?

MGM LAWYER: We are, Your Honor.

HONDA LAWYER: Yes, Your Honor.

JUDGE: Very well. You may proceed with your opening statements.

MGM LAWYER [gets up from table and stands in front of jury]: Good morning, ladies and gentlemen. We're here today for one very simple reason: It's against the law to copy someone else's idea. Today you are going to see a television advertisement that Honda created for its Del Sol convertible. Now, if you've ever watched a James Bond movie, this ad is going to seem very familiar to you. Lots of us are familiar with James Bond. We can even picture him in our mind—dark hair, good looking, wears a tuxedo. We can probably even imagine him in action, using all kinds of high-tech gadgets to fight some grotesque villain. Why can we imagine this? Because James Bond is one-of-a-kind. Today you will learn how Honda took that one-of-a-kind idea and used it to make a television ad for Honda's own profit.

HONDA LAWYER [gets up from table and stands in front of jury]: Ladies and gentlemen, we've all seen action movies. In fact, once you've seen a couple dozen of these films, they all start to seem pretty similar, don't they? A good-looking hero, a horrible villain, lots of shooting and high-tech stuff… We see these in just about every action film out there. Today you will hear a big movie company complain that a simple television ad somehow copies a major motion picture. You will hear the movie company's experts try to convince you that these elements we see in every action film are actually found only in James Bond movies. Do not be fooled, ladies and gentlemen. Thank you.

JUDGE [to MGM Lawyer]: Are you ready to proceed?

MGM LAWYER: I am, Your Honor. I would like to begin by introducing into evidence a video of the Honda Del Sol advertisement.

JUDGE: Please show it to the court clerk.

[MGM Lawyer shows a video disk to the clerk.]

COURT CLERK: I have entered this as Exhibit Number One.

MGM LAWYER: Thank you. Ladies and gentlemen, what you are about to see is the Honda advertisement that is at issue during this trial.

[video is played for the jury:

http://www.youtube.com/watch?v=gqa-b3assCA]

MGM LAWYER: I would now like to call Hayden Hunt.

[Hayden Hunt comes to the stand]

COURT CLERK: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

HAYDEN HUNT: I do.

MGM LAWYER: Please tell the jury what you do at MGM.

James Bond in a Honda?

HAYDEN HUNT: I'm an executive.

MGM LAWYER: And what did Metro Goldwyn do when it found out about this ad?

HAYDEN HUNT: We demanded that they not air the ad.

MGM LAWYER: When was the ad scheduled to be aired?

HAYDEN HUNT: During the Superbowl! The most watched show all year!

MGM LAWYER: What did the defendants do when you made your demand?

HAYDEN HUNT: Nothing. That's why we filed this lawsuit.

MGM LAWYER: Thank you. I have nothing further.

JUDGE: Lawyer for the defendant, do you have any questions for this witness?

HONDA LAWYER: I do, Your Honor. [to Hayden Hunt] You testified that Honda did nothing in response to your request. But in fact it did do something, didn't it? Honda changed its ad.

HAYDEN HUNT: If you can call that a change.

HONDA LAWYER: Didn't they change the characters to speak with American accents instead of British accents?

HAYDEN HUNT: Yes.

HONDA LAWYER: And didn't they change the music so it would have fewer horns?

HAYDEN HUNT: Yes, but—

HONDA LAWYER: Nothing further, your honor.

JUDGE [to MGM Lawyer]: Re-direct?

MGM LAWYER: When Honda changed the music and the characters' accents, was that enough to satisfy your company?

HAYDEN HUNT: No way. It still plays out just like James Bond. It's got that same look. That same feel, you know?

MGM LAWYER: Thank you. Nothing further.

JUDGE: You may step down from the witness stand.

[Hayden Hunt returns to seat]

MGM LAWYER: I will now call Devon Dominic.

[Devon Dominic takes the stand]

COURT CLERK: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

DEVON DOMINIC: I do.

MGM LAWYER: Tell us about your involvement in the production of Honda's ad.

DEVON DOMINIC [angrily]: I work at the ad agency, but the ad had nothing to do with James Bond.

MGM LAWYER: Please limit your answer to the questions I ask you. So, did you work on the Honda ad?

DEVON DOMINIC [disrespectfully]: Part of it.

MGM LAWYER: And when your agency was working on the ideas for this ad, at one point the project was named "James Bob," wasn't it?

HONDA LAWYER: Objection. Leading question.

JUDGE: Overruled. The witness is hostile.

MGM LAWYER: Was the project ever named "James Bob?"

DEVON DOMINIC: Yes.

MGM LAWYER: And what did you understand the name "James Bob" to mean?

DEVON DOMINIC: [shrugs]

MGM LAWYER: Please give a verbal answer for the court reporter.

DEVON DOMINIC: I don't know what it meant.

MGM LAWYER [sarcastically]: You had no idea what a high-action film sequence called "James Bob" might possibly refer to?

DEVON DOMINIC: Not really.

James Bond in a Honda?

MGM LAWYER: In your deposition you said you understood the name "James Bob" to be a play on words referring to James Bond.

DEVON DOMINIC: I don't remember that.

MGM LAWYER: Would it help if you looked at a transcript of your deposition?

DEVON DOMINIC: Maybe.

MGM LAWYER [gets papers off the table]: Your Honor, I would like to show the witness this transcript to refresh the memory.

JUDGE: You may approach.

[MGM Lawyer hands transcript to Devon Dominic. Devon Dominic reads transcript, hands it back.]

MGM LAWYER: Now, is it true that you understood the name "James Bob" to be a play on words for "James Bond?"

DEVON DOMINIC: Apparently so.

MGM LAWYER: Thank you. Nothing further, your honor.

JUDGE: Cross?

HONDA LAWYER: How long was the project named "James Bob?"

DEVON DOMINIC: Not long at all. We dropped that name very soon into the project.

HONDA LAWYER: Thank you. Nothing further.

JUDGE: Re-direct?

MGM LAWYER: Why do you think the name was dropped?

HONDA LAWYER: Objection. Calls for speculation.

JUDGE: Sustained.

MGM LAWYER: At the agency, was there discussion about why that name should be changed?

DEVON DOMINIC: Yes. It didn't fit the project.

MGM LAWYER: Don't you mean it fit the project too well?

HONDA LAWYER: Objection, Your Honor.

MGM LAWYER: Withdrawn. Nothing further.

JUDGE: You may step down.

MGM LAWYER: I would now like to call Sandy Smith.

[Sandy Smith comes to the stand]

COURT CLERK: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

SANDY SMITH: I do.

MGM LAWYER: Please tell the jury about your role in producing Honda's ad.

SANDY SMITH: I was the casting director.

MGM LAWYER: So you were asked to find actors to star in this advertisement?

SANDY SMITH: Yes.

MGM LAWYER: When you contacted talent agencies looking for actors, what kind of actors did you tell the agencies you were looking for?

SANDY SMITH: I told them I needed actors that looked like James Bond.

MGM LAWYER: Was that all you said?

SANDY SMITH: Yeah. I told them I needed to cast an actor who looked like he could star in the next James Bond film.

MGM LAWYER: Why not ask for an actor who looked like Arnold Schwarzenegger or Bruce Willis?

SANDY SMITH: That kind of actor would not have fit the ad.

MGM LAWYER: Thank you. Nothing further.

JUDGE: Any questions from the defense?

HONDA LAWYER: Yes, Your Honor. The actual actor chosen for the ad was blonder than any of the actors who have played James Bond, correct?

SANDY SMITH: Yes, that's correct. The James Bond actors all had darker hair.

HONDA LAWYER: Thank you. Nothing further.

JUDGE: You may step down. Next witness?

MGM LAWYER: I would now like to call Avery Adams to the stand.

[Avery Adams comes to the stand]

COURT CLERK: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

AVERY ADAMS: I do.

MGM LAWYER: Please tell us about yourself.

AVERY ADAMS: I'm a writer. I wrote a book about James Bond films called "The Amazing Universe of 007."

MGM LAWYER: Would you call yourself a James Bond expert?

AVERY ADAMS: Certainly. I've been on lots of radio and TV shows talking about James Bond.

MGM LAWYER: Tell the jury whether, in your opinion, Honda's advertisement copies the James Bond idea.

AVERY ADAMS: I believe it does. In some ways, it flat-out steals ideas from Bond movies. The most obvious example is the helicopter chase in "The Spy Who Loved Me." Bond and a woman are driving down the road in a sports car when they're suddenly attacked by helicopters. Honda's ad is the same thing: A man who looks like Bond, driving down the road with a woman, and they are attacked by helicopters.

MGM LAWYER: I see. Anything else?

AVERY ADAMS: Sure. In the Bond film "Dr. No," the villain had metal hands. In Honda's commercial, the villain's hands make clanging noises as they scrape the car.

MGM LAWYER: Interesting. Thank you. Nothing further.

JUDGE: Cross-examination?

HONDA LAWYER: Yes, Your Honor. [to Avery Adams] Are James Bond films the only films in which a helicopter has ever chased a car?

AVERY ADAMS: Well, I don't know. Probably not.

HONDA LAWYER: And is "Dr. No" the only film ever created with a villain who has metal hands?

AVERY ADAMS: I doubt it.

HONDA LAWYER: "Edward Scissorhands" was not a James Bond film, was it?

AVERY ADAMS: No.

HONDA LAWYER: Thank you. No further questions.

JUDGE: Mr. Adams, you may step down.

MGM LAWYER: As my last witness, I would like to call Professor Casey.

[Professor Casey comes to the stand]

COURT CLERK: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

PROF. CASEY: I do.

MGM LAWYER: Tell us about yourself, Professor Casey.

PROF. CASEY: I'm a university professor. Last spring I taught a course about James Bond films.

MGM LAWYER: A class about James Bond movies? At the University?

PROF. CASEY: Yes, exactly.

MGM LAWYER: Sounds like my kind of education. Tell us, professor, what is your opinion of Honda's advertisement?

PROF. CASEY: I think it steals the essence of what James Bond is all about.

MGM LAWYER: Explain that to us in terms we can understand.

PROF. CASEY: Well, all James Bond movies have certain things in common. There's Bond himself, of course, but other elements are the same too. All the films have the same fast pace, the same kinds of exotic settings, the same kinds of grotesque villains. The same mood.

MGM LAWYER: Mood?

PROF. CASEY: James Bond films have a unique feel to them. Things like the music and the dialogue contribute to that. Honda's ad has all of it: The pace, the music, the witty dialogue. The ad has the same mood as a Bond film.

MGM LAWYER: Thank you.

HONDA LAWYER: Professor, would you say that Honda's ad is exactly the same as a James Bond film?

PROF. CASEY: Not exactly, no.

HONDA LAWYER: Certain things are different. For example, it struck me that the color tone of the Honda ad was different from the color tone of James Bond films.

PROF. CASEY: Well, yes. The ad has a more sepia tone. That gives everything a brownish cast.

HONDA LAWYER: And James Bond films do not have a sepia tone?

PROF. CASEY: No.

HONDA LAWYER: But there are more obvious differences too, aren't there.

PROF. CASEY: Yes. It's not the <u>same</u> villain or the <u>same</u> car.

HONDA LAWYER: Definitely not the same car.

PROF. CASEY: No.

HONDA LAWYER: Have you ever known James Bond to drive a Honda in any of the James Bond films?

PROF. CASEY: Definitely not. He drives very expensive cars. BMWs, Aston Martins, things like that. Lots of high-tech gadgetry.

HONDA LAWYER: So you would agree that the sight of James Bond driving a Honda might be . . . strange.

PROF. CASEY: I suppose so.

HONDA LAWYER: Amusing, even?

PROF. CASEY: In a real Bond film? No.

HONDA LAWYER: But would you agree that it is possible that if someone made an advertisement with a character who looked like James Bond, and that character was driving a Honda instead of some high-tech expensive car, that ad might be intended to be funny?

PROF. CASEY: I suppose it could, but—

HONDA LAWYER: Thank you. No further questions.

JUDGE: Re-direct?

MGM LAWYER: Just one question, Your Honor. Professor, having seen and studied all of the James Bond films, was there anything about the Honda ad that struck you as making fun of James Bond films?

PROF. CASEY: Not that I could see, no.

MGM LAWYER: Thank you.

JUDGE: Does plaintiff's counsel have anything further to present?

MGM LAWYER: No, Your Honor.

JUDGE: Is defense counsel ready to proceed?

HONDA LAWYER: Yes, Your Honor. I would like to begin by calling Morgan Matsuda.

[Morgan Matsuda comes to the stand]

COURT CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth?

MORGAN MATSUDA: I do.

HONDA LAWYER: Please tell the jury about your role in the ad.

James Bond in a Honda?

MORGAN MATSUDA: I'm the vice president of the advertising agency that was hired by Honda to create an advertising campaign.

HONDA LAWYER: So, who originally came up with the idea for this ad?

MORGAN MATSUDA: I did.

HONDA LAWYER: Did you get the idea from a James Bond movie?

MORGAN MATSUDA: Not at all. In fact, I got the idea after watching the movie "Aliens"—you know that part where the alien gets thrown out of the spaceship, but he's still hanging on to the spaceship's door?

HONDA LAWYER: Yeah. That was a good scene. So, no part of your idea for the ad came from a James Bond film?

MORGAN MATSUDA: None.

HONDA LAWYER: Thank you.

JUDGE: Cross-examination?

MGM LAWYER: Have you ever seen a James Bond film?

MORGAN MATSUDA: Only bits and pieces. Here and there.

MGM LAWYER: Bits and pieces?

MORGAN MATSUDA: Yes. You know, on television. Flipping channels.

MGM LAWYER: So you *have* seen a James Bond film, at least in part.

MORGAN MATSUDA: Yes.

MGM LAWYER: Are you aware that in your deposition before the trial you kept referring to the actor in the ad as "James?"

MORGAN MATSUDA: Yes.

MGM LAWYER: Why?

MORGAN MATSUDA: This whole law suit has had me confused. It was easier to call him "James" so everyone knew who I was talking about.

MGM LAWYER: It wasn't because the actor was supposed to be like James Bond?

MORGAN MATSUDA: No.

MGM LAWYER: I have no more questions. [sits down]

JUDGE: You may leave the stand.

[Morgan Matsuda returns to seat.]

HONDA LAWYER: I would like to call Jamie Jones to the stand.

[Jamie Jones takes the stand.]

HONDA LAWYER: Please tell the jury what you do.

JAMIE JONES: I'm an executive at Honda.

HONDA LAWYER: And you were involved in the idea for this advertisement?

JAMIE JONES: Yes.

HONDA LAWYER: What kind of actors did you tell the casting director to look for?

JAMIE JONES: We told him to get actors that looked like characters from the movie "The Avengers."

HONDA LAWYER: Not actors that looked like James Bond?

JAMIE JONES: No.

HONDA LAWYER: And just so we're clear, is "The Avengers" a James Bond movie?

JAMIE JONES: No, it's not.

HONDA LAWYER: And what about this hero with metal hands?

JAMIE JONES: The villain in the ad does not have metal hands. His hands are completely normal. He was wearing gloves.

HONDA LAWYER: His gloves were responsible for the clanging noise?

JAMIE JONES: Yes.

HONDA LAWYER: So, did Honda set out to create an ad that copied James Bond?

JAMIE JONES: Not at all. Look. If anything, it's a spoof. A parody. It's making fun of James Bond, not copying him.

HONDA LAWYER: Can you explain to the jury what you mean? You're not admitting you copied James Bond, are you?

JAMIE JONES: Not at all. What we did was try to make an ad that was like an action film. We were kind of poking fun at action films. And who better to poke fun at than James Bond?

HONDA LAWYER: Did you think making a parody would sell cars?

JAMIE JONES: Sure. People love funny ads.

HONDA LAWYER: Thank you. Nothing further.

JUDGE: Cross?

MGM LAWYER: People also love James Bond, don't they?

JAMIE JONES: I'm sure they do.

MGM LAWYER: And so Honda used James Bond's appeal to sell cars?

JAMIE JONES: No, that's not what I mean. I'm just saying that if there are any elements of a James Bond movie in that advertisement, it's only to make fun of James bond.

MGM LAWYER: So you admit there are elements of James Bond in the ad.

JAMIE JONES: The only thing I'm admitting is that we were making fun of action films.

MGM LAWYER: I see. Nothing further.

JUDGE: Thank you. You may step down.

[Jamie Jones returns to seat.]

HONDA LAWYER: As my last witness, I would like to call Taylor Trent.

[Taylor Trent comes to the stand.]

COURT CLERK: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

TAYLOR TRENT: I do.

HONDA LAWYER: Tell us what you do for a living.

TAYLOR TRENT: I'm a film writer and producer.

HONDA LAWYER: So you've written action films?

TAYLOR TRENT: A screenplay, yes.

HONDA LAWYER: Are you familiar with James Bond films?

TAYLOR TRENT: Absolutely. I'm a huge James Bond fan. I've been watching Bond movies since 1959.

HONDA LAWYER: So if you saw a piece of film that was intended to copy a James Bond film, would you be able to recognize that?

TAYLOR TRENT: Sure.

HONDA LAWYER: And what about this advertisement we're in court about today? You've had a chance to see that, right? We all saw it today.

TAYLOR TRENT: Yes. I've watched it several times, and in my opinion it is not trying to copy James Bond.

HONDA LAWYER: What makes you say that?

TAYLOR TRENT: It's not Bond. It's just a generic action scene with a regular action hero like you might see in any action movie.

HONDA LAWYER: Were there any elements in the ad that you would consider to be uniquely "James Bond?"

TAYLOR TRENT: No.

HONDA LAWYER: Thank you.

JUDGE: Cross?

MGM LAWYER: You say you've been a fan of James Bond for many years, is that right?

TAYLOR TRENT: Yes.

MGM LAWYER: Have you written any books about James Bond?

TAYLOR TRENT: No.

MGM LAWYER: Published any articles? Been a guest on any radio or TV shows?

TAYLOR TRENT: No.

MGM LAWYER: Have you studied James Bond films?

TAYLOR TRENT: I've seen a lot of them.

MGM LAWYER: Have you made a scholarly study of them?

TAYLOR TRENT: Well, not really.

MGM LAWYER: But you're a fan.

TAYLOR TRENT: Definitely.

MGM LAWYER: Thank you. Nothing further, Your Honor. And I have no more witnesses.

JUDGE: Does the defendant have any more witnesses?

HONDA LAWYER: No, Your Honor.

JUDGE: Then are we ready to proceed to closing arguments?

MGM LAWYER: Yes, Your Honor.

HONDA LAWYER: Yes, Your Honor.

JUDGE: Proceed when you're ready.

MGM LAWYER: Ladies and gentlemen of the jury, let's think for a moment about what you heard today. The vice president of Honda's ad agency said he got the idea for this ad from the movie "Aliens." Yet for some reason, his casting director was asking for actors that looked like James Bond. Honda's executive told you the ad was just making fun of James Bond. Did you see anything funny? Meanwhile, you heard a university professor tell you that the most important elements found in James Bond movies—the pace, the music, and the dialogue—were copied by this ad. Ladies and gentlemen, you must decide which one is correct.

HONDA LAWYER: Ladies and gentlemen, think closely about the testimony you heard today. First, you heard that Honda made an effort to change its ad as soon as MGM objected to it. But that wasn't enough for MGM. You also heard MGM's experts admit that helicopter chases are not unique to James Bond movies, and that James Bond has never driven a Honda in any of his movies. The man who came up with the idea for the ad has never seen anything more than bits and pieces of a James Bond movie. Does this evidence show that Honda copied James Bond? I think you know the answer.

James Bond in a Honda?

Name: _____

Make the Case. The plaintiff is the party that makes a complaint against another party, the defendant. Who are the plaintiff and defendant in this case? Fill in the blanks, then start writing the complaint.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

_____,	) Case No.
	)
Plaintiff	) **COMPLAINT**
v.	)
	)
_____,	)
	)
Defendant.	)
_____	)

Plaintiff _____ brings this case under the Copyright Act, 17 U.S.C. §§ 101 *et. seq*., alleging that the defendant _____
_____
_____
_____.

Matching. Match these parts of the trial with their definitions.

____ 1. Opening Statement

____ 2. Direct Examination

____ 3. Cross-Examination

____ 4. Re-direct Examination

____ 5. Closing Statement

A. The lawyer who called the witness asks the witness the first set of questions.

B. The lawyer sums up the evidence for the jury and asks the jury to rule in his or her client's favor.

C. The lawyer who called the witness asks the witness questions in order to counter the cross-examination.

D. The lawyer tells the jury what the case is about and what the evidence will show.

E. The lawyer who did not call the witness asks the witness questions in order to point out weaknesses in the witness's testimony.

Who Said That? For each argument, mark M if the argument is MGM's and H if the argument is Honda's.

___ The ad is just a generic action scene.

___ The ad was poking fun at James Bond.

___ The ad has the same mood as a James Bond film.

___ Seeing James Bond driving a Honda is funny.

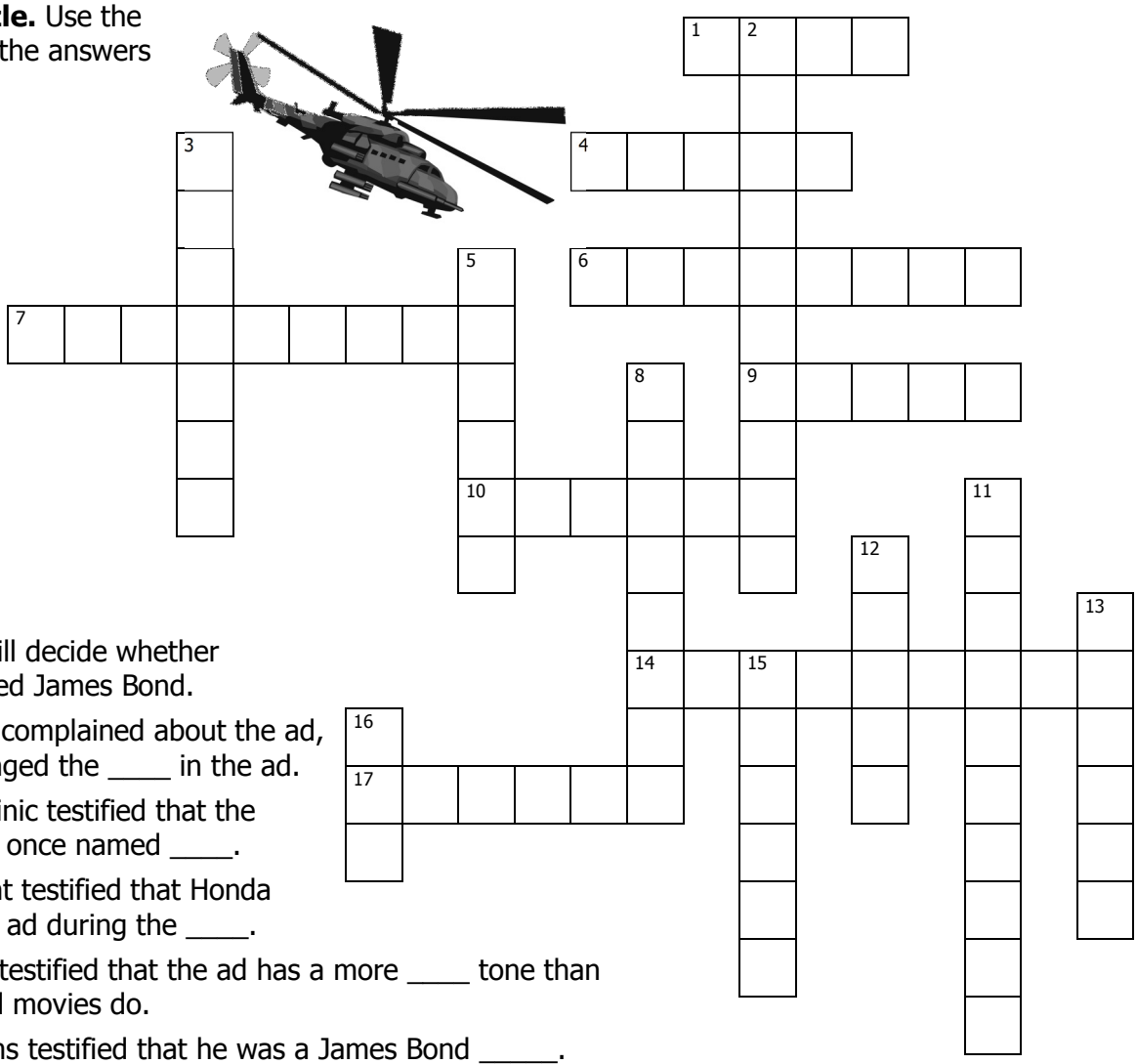
___ The actors in the ad looked like actors from a James Bond film.

___ The ad stole specific action sequences from James Bond films.

James Bond in a Honda?

Name: _____

Crossword Puzzle. Use the trial script to find the answers to the clues.



Across

1. The ____ will decide whether Honda copied James Bond.
4. When MGM complained about the ad, Honda changed the ____ in the ad.
6. Devon Dominic testified that the project was once named ____.
7. Hayden Hunt testified that Honda showed the ad during the ____.
9. Prof. Casey testified that the ad has a more ____ tone than James Bond movies do.
10. Avery Adams testified that he was a James Bond _____.
14. Prof. Casey testified that James Bond drives very _____ cars.
17. Morgan Matsuda said he got the idea for the ad from the movie "_____."

Down

2. Prof. Casey teaches a class about James Bond at the _____.
3. When MGM complained about the ad, Honda changed the characters' _____.
5. Jamie Jones testified the villain in the ad was wearing ____.
8. Jamie Jones testified they wanted actors like the ones in the movie "The _____."
11. Both the ad and one of the James Bond movies have a scene where a ____ chases a car.
12. Avery Adams testified that the villain in the ad had metal _____.
13. The lawyer showed a transcript to Devon Dominic to refresh her _____.
15. Jamie Jones said the ad was a ____ because it made fun of James Bond.
16. Taylor Trent said she was a ____ of James Bond.

James Bond in a Honda?

Name: ***** Teacher Key *****

Make the Case. The plaintiff is the party that makes a complaint against another party, the defendant. Who are the plaintiff and defendant in this case? Fill in the blanks, then start writing the complaint.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Metro Goldwyn Mayer,	)	Case No.
	)	
Plaintiff	)	**COMPLAINT**
v.	)	
	)	
American Honda Motor Company,	)	
	)	
Defendant.	)	
	)	

Teacher Note: This is a legal citation format indicating that the Copyright Act is found in Title 17 of the United States Code beginning with Section 101.

Plaintiff *Metro Goldwyn Mayer* brings this case under the Copyright Act, 17 U.S.C. §§ 101 *et. seq.*, alleging that the defendant *American Honda Motor Company produced an advertisement based on MGM's "James Bond" films, in violation of the Copyright Act. (answers will vary--students should describe what Honda allegedly did that was wrong)*.

Matching. Match these parts of the trial with their definitions.

D 1. Opening Statement

A 2. Direct Examination

E 3. Cross-Examination

C 4. Re-direct Examination

B 5. Closing Statement

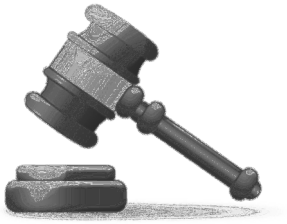
A. The lawyer who called the witness asks the witness the first set of questions.

B. The lawyer sums up the evidence for the jury and asks the jury to rule in his or her client's favor.

C. The lawyer who called the witness asks the witness questions in order to counter the cross-examination.

D. The lawyer tells the jury what the case is about and what the evidence will show.

E. The lawyer who did not call the witness asks the witness questions in order to point out weaknesses in the witness's testimony.



Who Said That? For each argument, mark M if the argument is MGM's and H if the argument is Honda's.

H The ad is just a generic action scene.

H The ad was poking fun at James Bond.

M The ad has the same mood as a James Bond film.

H Seeing James Bond driving a Honda is funny.

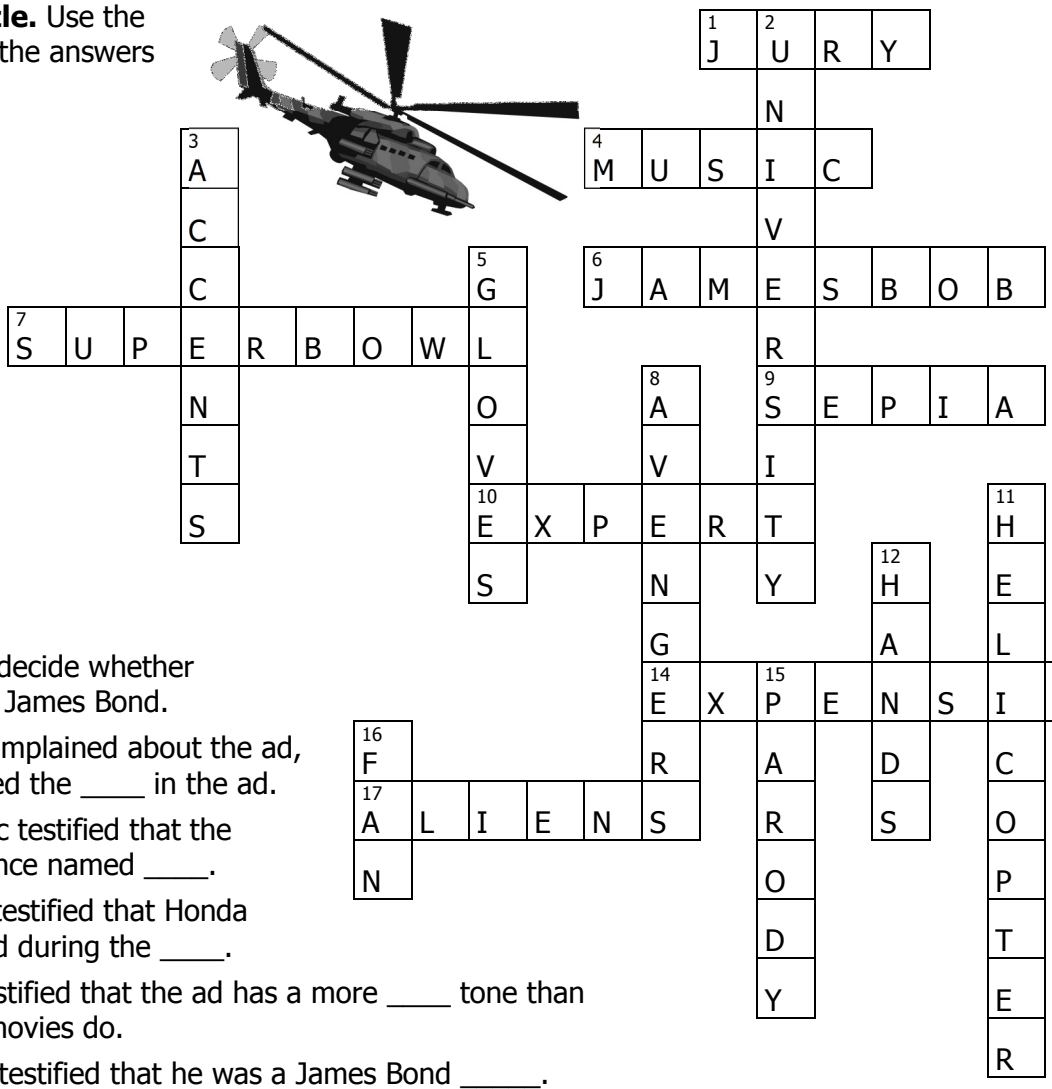
M The actors in the ad looked like actors from a James Bond film.

M The ad stole specific action sequences from James Bond films.

James Bond in a Honda?

Name: ***** Teacher Key *****

Crossword Puzzle. Use the trial script to find the answers to the clues.



Across

1. The ____ will decide whether Honda copied James Bond.
4. When MGM complained about the ad, Honda changed the ____ in the ad.
6. Devon Dominic testified that the project was once named ____.
7. Hayden Hunt testified that Honda showed the ad during the ____.
9. Prof. Casey testified that the ad has a more ____ tone than James Bond movies do.
10. Avery Adams testified that he was a James Bond _____.
14. Prof. Casey testified that James Bond drives very _____ cars.
17. Morgan Matsuda said he got the idea for the ad from the movie "_____."

Down

2. Prof. Casey teaches a class about James Bond at the _____.
3. When MGM complained about the ad, Honda changed the characters' _____.
5. Jamie Jones testified the villain in the ad was wearing ____.
8. Jamie Jones testified they wanted actors like the ones in the movie "The _____."
11. Both the ad and one of the James Bond movies have a scene where a ____ chases a car.
12. Avery Adams testified that the villain in the ad had metal _____.
13. The lawyer showed a transcript to Devon Dominic to refresh her _____.
15. Jamie Jones said the ad was a ____ because it made fun of James Bond.
16. Taylor Trent said she was a ____ of James Bond.

James Bond in a Honda? Name:

JURY INSTRUCTIONS

Your Duty as Jurors. Ladies and gentlemen of the jury: As the judge, it is my duty to instruct you in the law that applies to this case. As jurors, you must follow these instructions. Your duty will be to decide what the facts are in this case based on the evidence you heard. You must then apply the rules of law to those facts. When you apply the rules of law, you may not use your own judgment. You may not rely on your own opinion about what the law should be. You must base your verdict only on the law that I give you in these instructions.

Consider Only the Evidence. To decide this case, you must consider the evidence. Evidence consists of the witnesses' testimony and the exhibits you saw. Any arguments or opinions the lawyers expressed are not evidence. Anything you have seen or heard outside the courtroom is not evidence. In addition, you must disregard any evidence that was objected to if I sustained the objection. You may not use any other source of information to help you decide this case.

Copyright Law. Original motion pictures are protected by United States copyright law. Only the owner of the motion picture may create works based on that motion picture. It is a violation of United States copyright law for someone else to create a work based on the copyrighted movie. As jurors, it is your duty to determine whether Honda created a work based on the "James Bond" films.

"Fair Use" Defense. Someone accused of violating a copyright may defend themselves on the ground that they made "fair use" of the copyrighted work. It is not a violation of copyright law to use a copyrighted work for criticism, comment, news reporting, teaching, or research. This is called "fair use." You will determine fair use based on three factors:

1) Purpose of the Use. The first factor is the "purpose of the use." If the original work was copied in order to make money, this factor weighs against fair use. However, if the original work was transformed in order to make fun of it or criticize it, this factor weighs in favor of fair use. In addition, the more the copy transforms the original, the less it matters whether the copy was used to make money.

2) How Much was Copied. The second factor asks how much of the original was copied. If the copy steals the "heart" of the original, this factor weighs against fair use. This means that the copy has the same style and feel as the original. Even if it does, the purpose of the use and the amount of transformation may override the fact that the copy has the same style and feel as the original.

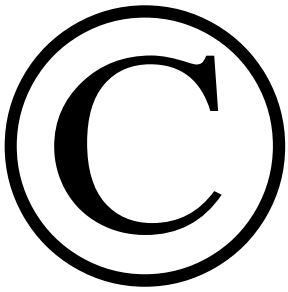
3) Effect on Market for Original. The third factor is the effect on the market for the original. If people would buy the copy instead of buying the original, this factor weighs against fair use. Ask whether anything about the copy would make the original less valuable or make people not want to buy the original.

Balancing the Factors. You must balance these three factors together to decide whether, as a whole, they weigh in favor of fair use. If you find that Honda made "fair use" of the James Bond idea, you must find that Honda is not guilty of copyright violation even if Honda copied the James Bond idea. If you find that Honda copied the James Bond idea but did not make "fair use" of the idea, you must find that Honda violated U.S. copyright law.

Jury Deliberation

Name:

Initial Question:
Did Honda Copy James Bond?



Directions: You must decide whether the Honda commercial copied James Bond. As a group, sort through the Evidence Cards. Discuss each piece of evidence and decide whether it tends to show that Honda did or did not copy James Bond. Stack the cards on the appropriate square below.

This evidence shows that Honda **DID** copy James Bond.	This evidence shows that Honda **DID NOT** copy James Bond.
(STACK CARDS HERE)	(STACK CARDS HERE)

Decision:
- ❑ Honda did copy James Bond
- ❑ Honda did not copy James Bond

Jury Deliberation

Name:

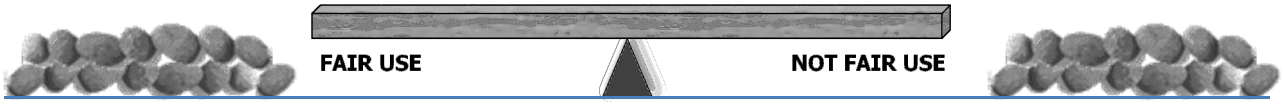
Fair Use Factor #1:
The Purpose of the Honda Commercial

Directions: You must decide whether this factor weighs for or against the argument that Honda made "fair use" of the James Bond idea. Answer the questions and pile stones on the seesaw to decide.

1) Based on the evidence, did Honda copy the James Bond idea in order to make money?
   - ❑ Yes. Not Fair Use (Draw 3 stones on the "not fair use" side.)
   - ❑ No. Fair use (Draw 3 stones on the "fair use" side.)

2) Based on the evidence, does it seem like the Honda commercial makes fun of James Bond?
   - ❑ Yes, it is trying to make James Bond look ridiculous. Fair use
   - ❑ No, the James Bond character in the ad is supposed to look cool. Not fair use

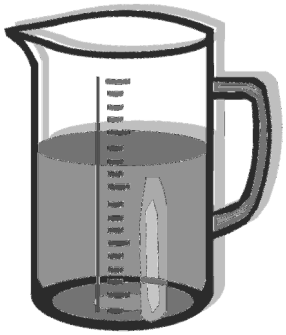
3) Based on the evidence, does the commercial seem to criticize James Bond?
   - ❑ Yes, the ad shows that Honda has a negative opinion of James Bond movies. Fair use
   - ❑ No, Honda does not seem to have a problem with James Bond. Not fair use



Jury Deliberation

Name:

Fair Use Factor #2:
How Much of James Bond Did Honda Use?

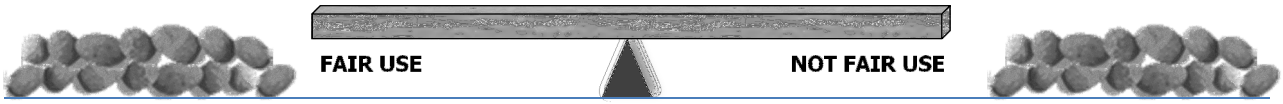


Directions: You must decide whether this factor weighs for or against the argument that Honda made "fair use" of the James Bond idea. Answer the questions and pile stones on the seesaw to decide.

1) Based on the evidence, how much of the James Bond idea do you think Honda copied?
   - ❑ Honda copied the whole James Bond idea. (Draw 3 stones on the "not fair use" side.)
   - ❑ Honda took some ideas from James Bond, but the rest was Honda's own ideas. (Draw 2 stones on the "fair use" side AND draw 2 stones on the "not fair use" side.)
   - ❑ Honda did not copy any of the James Bond idea. (Draw 3 stones on the "fair use" side.)

2) Based on the evidence, does the Honda commercial seem to have the same style and feel as a James Bond movie?
   - ❑ Yes, the evidence shows that the commercial has almost the same style as a James Bond movie. Not fair use
   - ❑ The evidence shows that the commercial's style is a lot like James Bond, but some of the style is like any action movie. Not fair use AND Fair use
   - ❑ No, the evidence shows that the style of the commercial is like any action movie and is not unique to James Bond. Fair use

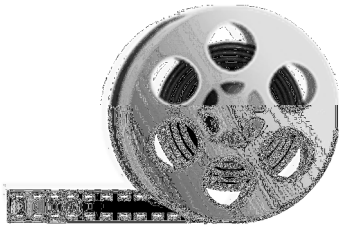
3) Based on the evidence, does the Honda commercial seem to steal the "heart" of what a James Bond movie is like?
   - ❑ Yes, the commercial steals the very things that make a James Bond movie unique. Not fair use
   - ❑ The commercial steals some unique ideas from James Bond, but also contains new ideas. Not fair use AND Fair use
   - ❑ No, anything the commercial borrows from James Bond is not what makes James Bond movies unique. Fair use



Jury Deliberation

Name: _____

Fair Use Factor #3:
Did the Honda Commercial Affect the Market for James Bond Movies?



Directions: You must decide whether this factor weighs for or against the argument that Honda made "fair use" of the James Bond idea. Answer the questions and pile stones on the seesaw to decide.

1) Based on the evidence, do you think people would buy copies of the Honda commercial instead of buying James Bond DVDs?

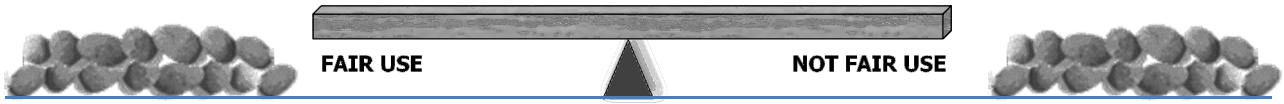
   - ❑ No, the Honda commercial is not a substitute for a James Bond movie. (Draw 2 stones on the "fair use" side.)
   - ❑ Yes, people will start watching this commercial instead of James Bond movies. (Draw 2 stones on the "not fair use" side.)

2) Does the Honda commercial merely duplicate James Bond in order to make money?

   - ❑ Yes. Not fair use
   - ❑ No. Fair use

3) Would the makers of an expensive car be less likely to pay to use the James Bond character in an advertisement if James Bond was already associated with Honda cars?

   - ❑ Yes, James Bond would have little value to a company like BMW or Mercedes if people already associate James Bond with Honda cars. Not fair use
   - ❑ No, a company like BMW or Mercedes might still buy the right to use James Bond in an ad even if people already think of James Bond and Honda cars. Fair use



When MGM demanded that Honda not air the ad, Honda changed the ad so the music and the characters' accents would be less like a James Bond movie.	The ad agency named the project "James Bob" at one point.	The ad agency employee admitted thinking that "James Bob" was a play on words for "James Bond."
The nickname "James Bob" was dropped very soon into the project.	The casting director told talent agencies he was looking for actors that looked like James Bond.	In the James Bond film "The Spy Who Loved Me," a helicopter chased a car. In the Honda commercial, a helicopter chased a car.
In the James Bond film "Dr. No," the villain had metal hands. In the Honda commercial, the villain's hands make clanging noises as they scrape the car.	James Bond movies feature expensive cars (such as a BMW or an Aston Martin) that have special features like torpedoes or submarine capability. Hondas are everyday cars that are not unusually expensive.	The advertising agency VP said he got the idea for the ad from the movie "Aliens."
The advertising agency VP who got the idea for the film had seen bits and pieces of James Bond movies.	In his deposition before the trial, the advertising agency VP kept referring to the ad's actor as "James."	Honda's executive testified they told the casting director to get actors who looked like characters from the movie "The Avengers"
Honda's executive said the villain did not have metal hands. He was wearing gloves.	Honda's expert, a longtime fan of James Bond films, testified that the action elements in the ad were generic elements present in any action film.	MGM's expert, a university professor who teaches a class about James Bond films, testified that the ad has the same unique pace, mood, and other elements that only James Bond movies have.
MGM's expert, who wrote a book about JB and appears on radio and television, testified that parts of Honda's ad were exactly the same as parts of various JB movies.	The actor in Honda's ad had blonder hair than the actors that actually played James Bond.	The Honda ad has a more sepia tone than real James Bond films do.

VERDICT

We, the jury, find that Honda

- ❑ Did copy the James Bond idea
- ❑ Did not copy the James Bond idea

On the question of fair use, we find the following:

- ❑ Factor #1 weighs in favor of fair use
- ❑ Factor #1 does not weigh in favor of fair use
- ❑ Factor #2 weighs in favor of fair use
- ❑ Factor #2 does not weigh in favor of fair use
- ❑ Factor #3 weighs in favor of fair use
- ❑ Factor #3 does not weigh in favor of fair use

We therefore find that Honda

- ❑ Did make fair use of the James Bond idea
- ❑ Did not make fair use of the James Bond idea

Juror Names:

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VERDICT

We, the jury, find that Honda

- ❑ Did copy the James Bond idea
- ❑ Did not copy the James Bond idea

On the question of fair use, we find the following:

- ❑ Factor #1 weighs in favor of fair use
- ❑ Factor #1 does not weigh in favor of fair use
- ❑ Factor #2 weighs in favor of fair use
- ❑ Factor #2 does not weigh in favor of fair use
- ❑ Factor #3 weighs in favor of fair use
- ❑ Factor #3 does not weigh in favor of fair use

We therefore find that Honda

- ❑ Did make fair use of the James Bond idea
- ❑ Did not make fair use of the James Bond idea

Juror Names:

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VERDICT

We, the jury, find that Honda

- ❑ Did copy the James Bond idea
- ❑ Did not copy the James Bond idea

On the question of fair use, we find the following:

- ❑ Factor #1 weighs in favor of fair use
- ❑ Factor #1 does not weigh in favor of fair use
- ❑ Factor #2 weighs in favor of fair use
- ❑ Factor #2 does not weigh in favor of fair use
- ❑ Factor #3 weighs in favor of fair use
- ❑ Factor #3 does not weigh in favor of fair use

We therefore find that Honda

- ❑ Did make fair use of the James Bond idea
- ❑ Did not make fair use of the James Bond idea

Juror Names:

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VERDICT

We, the jury, find that Honda

- ❑ Did copy the James Bond idea
- ❑ Did not copy the James Bond idea

On the question of fair use, we find the following:

- ❑ Factor #1 weighs in favor of fair use
- ❑ Factor #1 does not weigh in favor of fair use
- ❑ Factor #2 weighs in favor of fair use
- ❑ Factor #2 does not weigh in favor of fair use
- ❑ Factor #3 weighs in favor of fair use
- ❑ Factor #3 does not weigh in favor of fair use

We therefore find that Honda

- ❑ Did make fair use of the James Bond idea
- ❑ Did not make fair use of the James Bond idea

Juror Names:

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