GUIDE

Can a school club shirt parody a famous brand or movie?

The movie poster with the robotics team in the credits, the soda logo that spells the club name, the chorus line on the choir shirt: students call it parody. Here is what copyright and trademark law call it, what a club can borrow freely, and the point where the borrowed joke stops working.

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Some of the best club shirt ideas start with something everyone already recognizes. That recognition is the whole appeal, and it is also the problem. A design that only works because it borrows a studio's poster, a brand's logo or a songwriter's lyrics is built on property the club does not own, and calling it a parody usually does not change that.

Is a club shirt that riffs on a movie or brand a parody?

Usually not, in the legal sense. In *Campbell v. Acuff-Rose Music* (1994), the Supreme Court separated parody, which borrows from a work to comment on that work, from satire, which borrows a work to make a point about something else. The Court wrote that parody "needs to mimic an original to make its point," while "satire can stand on its own two feet and so requires justification for the very act of borrowing." The Court leaned on that same distinction again in *Andy Warhol Foundation v. Goldsmith* (2023).

A blockbuster poster reworked into a robotics team shirt says nothing about the movie. It uses the movie to get attention for the club. That puts most club shirt riffs in the weaker category, where the borrowing needs a justification a team shirt rarely has.

Does it help that the club is a school group?

Less than most advisors expect. The U.S. Copyright Office's fair use index says courts are more likely to find nonprofit educational and noncommercial uses fair, then adds: "This does not mean, however, that all nonprofit education and noncommercial uses are fair." Fair use is a balance of four factors, including how much of the original is taken and the effect on the market for it, and a shirt the club sells to members and families looks more like merchandise than a classroom handout. The Office's fair use FAQ puts its advice plainly: "in cases of doubt, the Copyright Office recommends that permission be obtained."

What about a famous logo?

Logos are mostly a trademark question, and trademark law asks something different: would people wonder whether the company made or approved the shirt? In *Jack Daniel's Properties v. VIP Products* (2023), a unanimous Supreme Court held that when someone uses another company's mark as a mark for its own goods, a parody gets no special First Amendment screening up front. Parody still counts, but only as one part of the ordinary question of whether buyers are likely to be confused. A brand's script or swoosh printed big across the chest of a shirt is exactly the kind of use where that fight happens, and the club is in no position to win it.

What can a club borrow freely?

More than the warnings above suggest. Federal copyright regulations, at 37 CFR 202.1, list material that copyright does not protect:

- **Words and short phrases,** such as names, titles and slogans. A common phrase or a song title is fair game for copyright purposes. A slogan can still be a company's registered trademark, so a famous tagline stays off the shirt.
- **Familiar symbols and designs.** Gears, theater masks, a gavel, a treble clef and a lightning bolt belong to everyone.
- **Typeface as typeface.** A bold, condensed, poster style of lettering is not ownable. The font file itself is software sold under a license, so the designer sets the club name in a licensed font rather than tracing a logo.

Genres and formats are free too. A club can have a movie poster layout with its own title, its own tagline and the members' names in the credits, as long as no studio's title, characters or artwork appear.

Where does the borrowed joke fail?

Run the design through three questions before anyone votes on it:

- **Take the borrowed piece out.** If the joke still works, it never needed the brand. If the joke collapses, the shirt depends on someone else's property.
- **Ask what the shirt is commenting on.** If the answer is the club, not the original, it is borrowing, not parody.
- **Picture a stranger in the hallway.** If that person could think the studio, team or brand made the shirt, the design is too close.

Choirs and bands meet a version of this with lyrics. A song title is a short phrase, but a full verse or chorus is the songwriter's expression. The club's own lines, its own puns and its own inside jokes carry none of that risk, and they are what members remember anyway.

How does this change the order?

Tell the designer what feeling the joke is going for, not which logo to copy. A designer can build that feeling from original art around the school name, mascot and colors, and the school's own marks still need the school's approval, which is why a club should get written approval for the mascot first. A chapter of a national organization follows its own rules for its emblem, covered in can a school club put its national logo on a custom shirt? Custom shirts cannot be returned once they are printed, so the design question is cheapest to settle before the mockup. Get your free mockup or call 800-704-5578, Monday to Friday, 9am to 5pm Pacific.

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