Lego Rejects a Bit Part in a Spinal Tap DVD

A teenager’s video uses Legos to depict a performance by Spinal Tap. Lego officials, citing copyright law, did not approve.

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In 2007, when Coleman Hickey was 14, he made a stop-action film using Lego pieces and figures to depict a concert performance of the song “Tonight I’m Gonna Rock You Tonight,” by Spinal Tap, the parody band featured in the 1984 mock documentary “This is Spinal Tap.”

Among the fans of the video, which has garnered 82,000 views on YouTube and includes a musician hurling himself into the audience of Lego figures and crowd surfing atop their upraised plastic arms, are the members of Spinal Tap. The band showed the video during performances of its recent “Unwigged and Unplugged” tour.

But Lego is not amused.

As final editing was being done on a concert DVD of the tour, which included footage from the video projected on stage, Lego declined to grant permission to use its figures,
which are protected by copyright.

“We love that our fans are so passionate and so creative with our products,” said Julie Stern, a spokeswoman for Lego Systems, the United States division of the Lego Group, a Danish company founded in the 1930s. “But it had some inappropriate language, and the tone wasn’t appropriate for our target audience of kids 6 to 12.”

As is Spinal Tap’s wont, the song, addressed to a minor, parodies rock stars’ inflated egos and libidos.

Kia Kamran, an intellectual property lawyer representing Spinal Tap, said the band could have prevailed had Lego sued alleging copyright infringement, because Mr. Hickey’s video does not show the brand’s logo and is satirical. But the band did not deem the fight worth the expense, he said.

“In my heart of hearts, I do think this is fair use” of copyrighted material, Mr. Kamran said.

Harry Shearer, the voice of several characters on “The Simpsons” and a member of Spinal Tap (with Christopher Guest and Michael McKean), said other copyright holders, including the Rolling Stones, whose “Start Me Up” was used in Spinal Tap’s concert footage, granted permission for use on the DVD, which will be released Sept. 1.

“Lego are the only people who strictly said no,” Mr. Shearer said. “It was Lego Kafka.”

In the excised footage, Mr. Shearer told the audience after the video projection that the Lego concertgoers with raised C-shaped hands (for gripping Lego components) reminded him of rock audiences who gesture with index fingers and pinkies pointed. Later, when the band did an encore, many in the crowd raised their hands in the cupped gesture of Lego hands, which, having lost its setup, no longer functioned as a joke.

Many are tempted to place wholesome looking Lego characters in unwholesome situations, as evidenced by a video that has drawn more than 1.4 million views on YouTube, “Lego Weapon Store.” It begins with one Lego character approaching another at a sales counter and saying, “I’d like to buy a weapon to kill my neighbor.”

Another YouTube video, a parody of “Girls Gone Wild” called “Legos Gone Wild,” depicts the figures exposing themselves to the camera as they “Lego their inhibitions.” It has been viewed more than 200,000 times.

But Lego has not acted to have either video, or Mr. Hickey’s, removed from YouTube.

“YouTube is a less commercial use,” Ms. Stern said. “But when you get into a more commercial use, that’s when we have to look into the fact that we are a trademarked brand, and we really have to control the use of our brand, and our brand values.”

Mr. Hickey, now 16, who lives outside Columbus, Ohio, says he and his eight siblings have amassed a collection of about 42,000 Lego bricks and characters.

“In a way I’m disappointed that it won’t be forever memorialized in a DVD,” Mr. Hickey said of his video. “It’s not like I was going to get any money for it, but it’s too bad. Lego has the right to do that, but it’s unfortunate that they don’t have a little more of a sense of humor.”