

No. 21-869

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In the Supreme Court of the United States

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ANDY WARHOL FOUNDATION FOR THE VISUAL ARTS,  
INC.  
PETITIONER,

*v.*

LYNN GOLDSMITH AND LYNN GOLDSMITH, LTD.,  
RESPONDENTS.

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*ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT*

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**BRIEF FOR RESPONDENTS**

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### **QUESTION PRESENTED**

Petitioner frames the question presented as follows:

Whether a work of art is “transformative” when it conveys a different meaning or message from its source material (as this Court, the Ninth Circuit, and other courts of appeals have held), or whether a court is forbidden from considering the meaning of the accused work where it “recognizably deriv[es] from” its source material (as the Second Circuit has held).

(I)

II

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