



Comics and Copyright

March 14, 2011 by Bob Tarantino

The twelve-year old me would be incredibly disappointed that my practice does not consist solely of cases which involve the intersection of comic books and copyright law. A few recent items of worthy of note:

- Evil Twin Comics have published the Comic Book Comics series, which tells "the inspiring, infuriating, and utterly *insane* story of the American comic book industry" - including a recounting, in the words of Eriq Gardner at THR, Esq., "such disputes as whether the Captain Marvel character was an infringement on the Superman character, the legendary legal battle over the control of Howard the Duck, the legal mystery surrounding the creation of Josie and the Pussycats, and Jack Kirby's battles with Marvel over stolen artwork"
- on a topic related to my post and short article from last year (Copyright and the King), Vincent James Scipior has written "Spider-Man and His Amazing Friends: Trapped in the Tangled Web of the Termination Provisions" (forthcoming in the Wisconsin Law Review, but available now for download from SSRN) - Scipior's article talks about copyright termination claims under US law and concludes, as I did with respect to the reversionary interest clause in Canada's own *Copyright Act*, that such claims/interests "deprive companies of all certainty in their copyright ownership" (hat tip: Media Law Prof Blog)
- Betty Boop wasn't a comic book character (she was a cartoon character), but that's close enough for our purposes - the US Ninth Circuit Court of Appeals recently decided that the family of the creator of the Boop character could not claim either copyright or trade-mark rights in the character; the decision is noteworthy because the court was emphatic that it would not allow a rights owner to assert a successful trade-mark claim where the effect of such successful claim would be to, in effect, make an end-run around copyright law and result in a virtually perpetual assertion of rights
- Joshua L. Simmons wrote an interesting rumination on "Catwoman or the Kingpin: Potential Reasons Comic Book Publishers Do Not Enforce Their Copyrights Against Comic Book Infringer" (33 Columbia Journal of Law & the Arts 267 (2010) - available for download from SSRN here)

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