

Class 11: Derivative Works

Administrative Next Time: 341-55; Supp/61-63; 411-16; Supp/64-70 Sections 108-09; 101 definitions; skim 110

Batlin v. Snyder

Recall Class 4 E.R.G. vs. Genesis Creative Group Facts



"Adaptation Right" Review

Right to Produce Derivative Works

Today is the hard cases Not-so-hard examples Johnson & Johnson Heir

Best art critic review ever



Renoir's Luncheon at the Boating Party



Monet's Terrace at the Sainte Adresse

Class 11: Derivative Works

Right to Produce Derivative Works Versus Reproduction Right

Castle Rock

Facts

Answers? 1: C, marine biologist; 11: Junior Mints; 12: A, Jerry
The "Seinfeld Aptitude Test" 643 trivia questions and answers

Response from those with show NBC sent out as promotional material
Executive producer: "fun little book"
But producers sued
No competing trivia books
But they were "aggressively" marketing show.

Held

Warner Brothers v. RDR

Facts

➤ D created "The Harry Potter Lexicon" website
Rowling, Publisher, and Movie Producers all praised
Praised by plaintiffs All three admitted to using it as reference source during creation of own works.
RDR Books (D2) convinced D to write a book based on website D2 promised to defend and indemnify D through any lawsuits

Content of D's book
Like a true fan, Mr. Vander Ark treated even Ms. Rowling's assertions that he had made mistakes as wonderful revelations rather than embarrassments.
➤ Touching testimony
When Mr. Hammer told him that Ms. Rowling had testified on Monday about the etymology of "Alohomora," an unlocking spell, Mr. Vander Ark — who had been sequestered during her testimony — blurted, "Oh, really?"
In her testimony, Ms. Rowling said Mr. Vander Ark's link between the spell and the Hawaiian "aloha" was "errant nonsense," explaining that it actually had come from West African dialect.
"That's exciting stuff for someone like me," Mr. Vander Ark said from the witness stand. "Did she happen to mention which dialect?" Mr. Hammer promised to "conference" on it.

Held

Other hypotheticals

Remixes ➤ Shining
➤ Supercuts ➤ Good one

