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Copyright Infringement: How Can I Enforce My Rights In My Written Work?

[Kristie Prinz](#)

**Q.** I entrusted some of my stories to my roommate to be carried and presented to a media company. Since then, the material has been published, my roommate has disappeared and everyone just keeps blinking their eyes and shrugging their shoulders, is there any kind of action I can take?

-- k

**A.**

Assuming your stories were fixed in written form at the time they were taken and published, you may have viable claim for copyright infringement against the people and entities who infringed on your work.

Copyright law protects original works of authorship that are fixed in a tangible form of expression. Copyrightable works include the following categories:

- a. literary works;
- b. musical works, including any accompanying words;
- c. dramatic works, including any accompanying music;
- d. pantomimes and choreographic works;
- e. pictorial, graphic, and sculptural works;
- f. motion pictures and other audiovisual works;
- g. sound recordings; and
- h. architectural works.

While a copyright owner's exclusive rights or a portion of those rights may be transferred, the transfer of exclusive rights is not valid unless that transfer is in writing and signed by the owner of the rights or such owner's duly authorized agent.

In the case at hand, assuming you had fixed your work in writing prior to the time it left your possession, it would constitute a literary work protected under copyright law. Provided that you never signed an written

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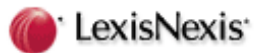
assignment of your rights in the work, and you never authorized anyone else to do it on your behalf, then you likely have a valid claim for copyright infringement against those who are using and profiting from your work without your permission.

My advice would be to consult with a [copyright litigator](#) in your jurisdiction to discuss the specific facts of your situation and the options available to you to enforce the copyright in your works. A copyright litigator should be able to advise you on your best course of action in this matter, and then you should be in a position to decide how to proceed.

-- Kristie Prinz

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