

Ask a Lawyer

[Ask a Question](#)

[Today's Q&A](#)

[Question & Answer Archive](#)

[Topic Schedule](#)

Research Areas of Law

[Bankruptcy](#)

[Family Law](#)

[Labor and Employment Law](#)

[Personal Injury](#)

[Real Estate](#)

Related Links

Articles:

- [Do I Really Need a Lawyer?](#)
- [Selecting a Lawyer](#)
- [Lawyers' & Clients' Responsibilities to Each Other](#)

[Ask a Lawyer](#) > [Question & Answer Archive](#)

Ask a Lawyer Archive



Copyright Infringement: How Do I Enforce My Rights In A Screenplay I Wrote?

[Kristie Prinz](#)

Q.

In January 2006 I wrote a screenplay about two princesses: one Black, and one multi-racial. The setting is "medieval" Africa and New Orleans respectively.

In February I registered my animation screenplay with the Writers Guild of America as a way of having it copyrighted. Also in February, I enlisted the services of an online screenplay agency to promote my product. Now it is being advertised that Disney is coming out with an animated film about a Black princess, with a New Orleans setting. I believe that my work has been infringed. What can I do?

Thank you

-- Dr. G

A.

First of all, your registering the animation screenplay with the Writers Guild of America does not copyright your work.

The rule regarding copyright protection is that it exists as of the time the work is created in fixed form. The author of the work will own the copyright.

Registering the copyright with the U.S. Copyright Office is not required to maintain copyright protection; however, the registration does establish a public record of the ownership of the work. According to the U.S. Copyright Office, registration also accomplishes the following:

- Before an infringement suit may be filed in court, registration is necessary for works of U.S. origin.
- If made before or within 5 years of publication, registration will establish prima facie evidence in court of the validity of the copyright and of the facts stated in the certificate.

Browse for a Lawyer

- [Find Lawyers & Law Firms by State or Province](#)
- [Find Lawyers & Law Firms by Area of Law](#)

Find a Lawyer

Type in an area of law or a lawyer/firm name:

City:

State:

Country:

[Advanced Search](#)

[Search Help](#)

- c. If registration is made within 3 months after publication of the work or prior to an infringement of the work, statutory damages and attorney's fees will be available to the copyright owner in court actions. Otherwise, only an award of actual damages and profits is available to the copyright owner.
- d. Registration allows the owner of the copyright to record the registration with the U. S. Customs Service for protection against the importation of infringing copies.

The Writers Guild of America website itself advises writers that registration with the Writers Guild only provides an additional legal record of a work, but does not take the place of registering with the U.S. Copyright Office.

Second of all, if your work is infringed, you have the right to enforce your rights in that work.

Section 106 of the U.S. Copyright Act gives the copyright owner the exclusive right to do and authorize others to do the following:

- a. To reproduce the work in copies or phonorecords;
- b. To prepare derivative works based upon the work;
- c. To distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- d. To perform the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works;
- e. To display the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work; and
- f. In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.

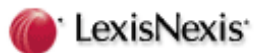
Thus, if your work was used without your permission, then this use would constitute an infringement of your copyright in the work.

My advice is to consult with a copyright litigator in your jurisdiction, who will be able to review the specific facts of your case and advise you as to the strength of your infringement claim. After you have this information in hand, you should be in a position to decide how you want to proceed. You should give particular thought to the anticipated costs of any litigation (including whether or not it will be handled on contingency), since even if you have a good case, you won't be able to proceed unless you have the ability to finance the action.

-- *Kristie Prinz*

[Find a Lawyer](#) | [Research Legal Information](#) | [Ask a Lawyer](#) | [Blogs](#) | [Contact Lawyers at attorneys.com](#) |

[Community](#)



LexisNexis Martindale-Hubbell is the most complete, trusted source for identifying qualified legal counsel.

Disclaimer: The information provided on Lawyers.com is not legal advice, Lawyers.com is not a lawyer referral service, and no attorney-client or confidential relationship is or should be formed by use of the site. The attorney listings on Lawyers.com are paid attorney advertisements and do not in any way constitute a referral or endorsement by Lawyers.com or any approved or authorized lawyer referral service. Your access to and use of this site is subject to additional [Terms and Conditions](#).

[Martindale.com](#) | [Canada](#) | [attorneys.com](#) | [LawyerLocator.co.uk](#) | [www.findalawyer.cn](#) (China) | [www.law24.co.za](#) (South Africa) |
[www.martindale.jp](#) (Japan) | [anwalt24.de](#) (German) | [martindale.co.il](#) (Israel) | [Lexis Nexis](#) | [lexisONE Free Case Law](#)

[Help](#) | [Site Map](#) | [About Us](#) | [Press Room](#) | [Info for Lawyers](#) | [Contact Us](#) | [Home](#) | [Index Map](#)

©2008 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.