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How Can I Enforce My Copyright In A Poem?

[Kristie Prinz](#)

Q. I wrote a poem in 2003 and now it is being claimed online by another person as his own work. The poem was copied word for word from my original poem. Can I do anything about this?

-- *Tes*

A.

Based on the facts above, you most likely have a good claim of copyright infringement against the person who appropriated your poem. Copyright protection of work arises when the work is created in a fixed form, and the author becomes the owner of the copyright in the work immediately upon creation of that work. If you wrote the poem and did so outside of a work-for-hire relationship, then you should own the copyright in the poem.

I would consult an intellectual property litigator in your jurisdiction to discuss the specific facts of your case, and also to understand the pros and cons of litigation.

Some attorneys do take copyright cases on a contingency basis, but that generally only happens when the other side has deep pockets, or where an attorney believes that there is a reasonably good chance that he will be compensated for his work. In the case of a poem, there may not be much money involved, so a contingency case may be less attractive.

If you are unable to obtain an attorney who will work on a contingency basis, you could find that the costs involved with litigating this are more than what you are able to pay. This is an issue you should thoroughly investigate before making any decision on how you want to proceed.

Of course, there is also the option of trying to handle this matter on an out-of-court basis, so even if you do not have the means to litigate a matter like this, a good attorney may be able to work out a settlement with the infringer that works for you.

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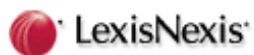
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There are other issues as well that you will want to discuss with an attorney to determine the strength of your claim and your next step. From the facts you present, though, it sounds like you may have a good claim against an infringer of your work. I would definitely explore your rights and options in this matter.

-- *Kristie Prinz*

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