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How Can I Market My Concepts, Ideas, and Storylines to a Production Company While Still Protecting My Work?

[Kristie Prinz](#)

Q.

I have several concepts, ideas, and storylines which I believe will be of interest to a major production company. They are not completed works; however, I believe that the existing material is unique. How can I market my works while eliminating risk of copyright and/or intellectual property infringement?

-- Greg

A.

It is never a good idea to share ideas, concepts, or storylines with a third party, except pursuant to a well-drafted nondisclosure agreement. While a nondisclosure agreement does not completely eliminate the risk that the third party will take, use, or disclose those ideas, concepts, or storylines, a well-drafted agreement does provide some degree of protection against that risk. My advice would be to consult an intellectual property transactions attorney in your jurisdiction, and retain that attorney to draft a well-drafted nondisclosure agreement that will protect your material to the extent possible.

Unfortunately, ideas and concepts are not protectable under copyright law, so the nondisclosure agreement is going to be your only available protection for that material.

In the case of storylines, however, you should also be able to obtain additional protection for that material under copyright law, assuming you fix that material in a tangible form of expression prior to sharing it with the third party.

Section 102 of the Copyright Act states as follows:

(a) Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of

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authorship include the following categories:

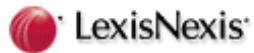
1. literary works;
2. musical works, including any accompanying words;
3. dramatic works, including any accompanying music;
4. pantomimes and choreographic works;
5. pictorial, graphic, and sculptural works;
6. motion pictures and other audiovisual works;
7. sound recordings; and
8. architectural works.

(b) In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

While registration of copyrightable material is not required to be protected, you may want to consider registering the storylines prior to showing them to third parties, since registration will provide public notice that you are the owner of the work. You may want to retain the services of a copyright attorney in your jurisdiction to handle the registration, in order to ensure that it is handled correctly. However, hiring an attorney is not absolutely necessary to register a copyright in the work. The Copyright Office website provides extensive information on how to complete the registration forms, which should be adequate to walk a layperson through the registration process.

-- *Kristie Prinz*

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