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Intellectual Property Rights In My Magazine Column Idea?

[Kristie Prinz](#)**Q.**

In the mid-1990's I began freelance writing for a magazine. I presented a column to the magazine that I created and named. About five years into writing this column, the magazine notified me that they had to drop my column because they did not have enough space to run it anymore.

After the column was dropped, I contacted other trucker's magazines trying to sell the idea to them. I continue to try to sell the idea for my column to various magazines. Last week I picked up a copy of the magazine I used to write for and found my column, being written by another author! Is it legal for this magazine to steal my column title and use it even though I am still trying to sell this same column idea to other magazines?

-- *Jo Davis***A.**

Based on the information you have provided, the magazine probably did have the right to use your column idea without you.

Copyright law protects tangible works of authorship that are fixed in a tangible form of expression.

Copyrightable works include:

- Literary works
- Musical work, including any accompanying words
- Dramatic works, including any accompanying music
- Pantomimes and choreographic works
- Pictorial, graphic, and sculptural works
- Motion pictures and other audiovisual works
- Sound recordings; and

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Copyright law, however, does not protect ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices.

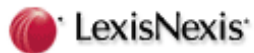
Your email suggests that what you really wanted to protect here was the idea for your column. The idea itself would not be protectable by copyright law.

While it is possible to protect a name or title through trademark law, you have not indicated that there is a registration on the name at issue in this case, and I think it is unlikely that you would have owned and licensed to the magazine the rights in the name when the column ran initially. Having said this, if by some chance, you did in fact own the trademark rights in the name, then you might have an infringement action against the magazine.

My advice is to consult with an intellectual property lawyer in your jurisdiction to discuss the specific facts of this matter in more detail. I would discuss with this lawyer also any possible agreements that you might have signed with the magazine regarding the column, and ask the lawyer to review those agreements carefully for any language that might place any constraints on the magazine, limiting its rights to run the column again without you.

-- *Kristie Prinz*

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