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What Recourse Do I Have If A Treatment I Wrote For A Television Show Was Produced Without My Authorization?

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

I wrote a "treatment" for a television show and registered it online, over 2 years ago. I sent that show to a few people and it was reviewed by many people. It was passed on. However, I have just learned it was being brought into production by a major network! It is word for word as I have written it. Is there any recourse for me? And what kind of lawyer handles that sort of thing?

-- Zane

A.

Assuming your "treatment" contained enough original expression to constitute a copyrightable work, then any use of that work without your permission would constitute infringement of your copyright.

Section 106 of the Copyright Act sets forth the rights of a copyright owner as follows:

[T]he owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

1. to reproduce the copyrighted work in copies or phonorecords;
2. to prepare derivative works based upon the copyrighted work;
3. to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
4. in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;
5. 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, to display the copyrighted work publicly; and

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6. in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

Clearly, if your work has gone into production without your permission, then the company taking this action is infringing on your copyright. As the copyright owner, you would have the right to enforce your rights in the work.

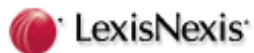
Having said this, the hurdle you will have to overcome is to have enough cash to finance taking legal action against the infringer. I get calls from people on a daily basis whose works have been infringed, but most unfortunately are not in the financial position to take legal action against the infringers of their works. Infringers, particularly in the entertainment industry, likely anticipate that most victims will not a position to enforce their rights, which is why they take the risk of infringing in the first place.

How much money should you anticipate it will cost to finance a copyright litigation case? A copyright litigation matter can easily run up legal fees in excess of \$100,000.00. Even if you win, you will still have to pay those costs on the front end before you can recover from the infringer.

What about the option of a contingency case? Well, the reality is that lawyers get multiple calls on a daily basis inquiring about contingency cases; however, few can actually afford the expense and risk of taking on a contingency case. So, the likelihood of finding a lawyer to take your case on contingency is relatively slim. If you do happen to find such an attorney, you will likely be required to pay for all legal costs as the litigation proceeds. My advice would be to consult with a copyright litigator in your jurisdiction to discuss the specific facts of your case in more detail. Such an attorney can assess the strength of your case and advise you on your options as well as the anticipated costs of moving forward with such a case. Once you are armed with the facts, you should be in a position to make an informed decision on how best to proceed in this matter.

-- *Kristie Prinz*

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