

Intellectual Property (UG)

Seminar 5: Copyright (1)

(Thursday 27th or 3rd February at 12:00-13:00)

Consider and prepare to discuss the following situations:

1. In a cupboard at Earham Hall you have just discovered: (a) the manuscript of a novel "The Prisoner", by the well-known reformer Elizabeth Fry (1780-1845), based on contemporary prison life in England; (b) an early demo tape by The Darkness, with a rejection letter from a major record label; (c) an original Rembrandt self-portrait. What is the copyright situation likely to be for each of these? How does this differ (if at all) from property in the physical object?
2. You lend the manuscript of "The Prisoner" to your friend Giovanni Piranesi, who is Senior Warder of Norwich Prison. After checking with the British Library that no novel was ever published by Elizabeth Fry, Giovanni uses the plot and characters of "The Prisoner" as the unacknowledged basis for a play of his own, "Carceri d'Invenzione" in the original Italian, which he sets in early 17th Century Venice with appropriate language and literary style, except for a short 'postlude' set 200 years later, which he translates directly from a passage in Fry. The English language translation of "Carceri d'Invenzione" (published and produced on stage as "Imaginary Prisons") is very successful, and Giovanni is thinking of retiring so he can embark on his next project: a reality TV series placing groups of celebrities in some of the World's most infamous prisons. Then Giovanni's hated rival John Howard releases a novel called "In Prison", which also employs substantially the same characters and plot, but in a 20th Century English setting. When Giovanni complains, Howard asserts: (a) that Fry's "The Prisoner" was in fact published anonymously shortly after her death; (b) that "In Prison" was his first book, originally published in an edition of 500 copies twenty years ago, which has now been re-issued; and (c) that he makes no secret of having taken what he calls "inspiration" from Fry's book.

Come prepared to argue either side of the case, whether for Giovanni or for John. Only consider copyright issues.