

Intellectual Property Law

Victor Whitmill v. Warner Bros. Entertainment.

In the movie *The Hangover Part II*, Stu Price played by actor Ed Helms, wakes up to tattoo which is identical to the one Mike Tyson has.

S. Victor Whitmill filed a lawsuit against Warner Bros, he claimed that the use of his design in the movie and in advertisements without his consent was copyright infringement. Warner Bros then saw it as a parody falling under “fair use.”

In 2007, the high-end signature hand-bag and luggage maker, Louis Vuitton Malletier, lost an outrageous copyright infringement case against comedy fashion company Haute Diggity Dog.

The comedy designers had released a line of parody products named Chewy Vuitton, to go along with other memorable knock-offs such as Chewnel No.5 and Sniffany & Co.

Remarkably, the U.S Court of Appeals ruled against the claim of copyright breach, stating that because of the element of parody, the products were adequately differentiated and unique, thereby negating any copyright or trademark infringement.

Mattel Inc. vs. MGA Entertainment, Inc.

MGA Entertainment and Mattel Inc. have been in a fierce legal battle for several years over the intellectual property rights to the popular Bratz dolls. Bratz dolls were created by an employee of Mattel while he was on a break from the company. He sold the rights to the dolls to MGA Entertainment.

The court ultimately ruled in favor of MGA and awarded the company attorney's fees and costs topping \$130 million. The court found that Mattel's claim that the entire collection of dolls was infringing.

Which parts of the law could impact web design specifically?

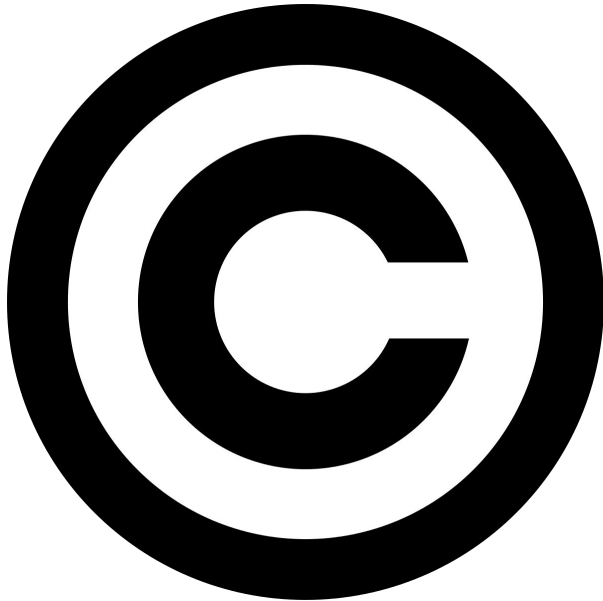
Website text will usually be protected as a collection of literary or visual work. This protection is available to text and other kinds of images/logos. However, text will need to be original and it will need to be the product of the author's own work and must not be copied from elsewhere.



Most market-based, democratic societies will have some form of matching legislation to that in operation here. As noted, these generally encompass:

- **Privacy and Personal Security**
- **Copyright Protection**
- **Press Freedom**
 - **Defamation**
 - **Hatred**
 - **Adult and/or Obscene Material**
- **eCommerce**
- **Online Gambling**
- **Website Accessibility**
- **Official Languages**

However, if your website operates in a country with a more restrictive regime, other categories of legislation may apply. The penalties for infringement may also be more severe. A number of firms have found this out to their cost, as illustrated in the famous Yahoo! / Nazi-auctions case in France some years ago.



DEFINITION - Intellectual Property Law

- Intellectual property law gives artists, inventors, and other creators a monetary reason to work, Copyrights and patents allow artists and inventors to stop anyone else from selling their creations.
- The four types of intellectual property law are patents, trademarks, copyrights and trade secrets.
- **CASE STUDY-** Barbie Doll won a case against a fellow doll maker MGA Entertainment INC. as their design was too similar. Their dolls featured large heads and slim bodies, which are notoriously associated with Barbie Dolls. MGA were ordered to pay damages of \$100,000,000 to Mattel inc., Barbie Doll creators.

DIFFERENCES - Intellectual Property and Copyright

Intellectual property is something you create using your **mind**. For example an invention you've come up with. It is protected by laws specific to the expression of an idea.

Copyright is the law specific to the to the **expression of ideas** in **visual** or **audio** form.

Intellectual property isn't actually an idea itself, but rather the expression of an idea.

For example, the idea of writing a novel featuring school children would not be IP whereas a book which incorporates this idea would be considered the IP of the author.