



CREATION COVERAGES

Legal Team

December 5, 2020

Noah Eskew
1062 Big Bethel Road

V. Climber
203 Alpine Drive
Rocky Mount, NC 27801

Dear Mr. Climber,

Thank you for entrusting ***Creation Coverages Legal Team*** with your current concerns regarding copyright law. When it comes to copyright assignment (or transfer in more common terms), it is helpful to know that these processes *must* be done **in writing**. So, a rather bold way to discover the true copyright owner is to **ask around**. Given that Z. Sailor previously permitted you to create a film adaptation of his story, he *should* be understanding of your inquiries. If someone else has acquired the rights, then you should be informed...or else you've basically been set up to infringe. If such confrontation seems like too daunting of a task, someone from our firm could reach out to Z. Sailor for more information.

Understandably, being so direct is a brave task. For one, it might not be the most strategic option. Going public with your interest could backfire. Other parties may make an offer to Mr. Sailor, in an attempt to one-up your ownership bid. However, contacting Z. Sailor, about the legal standings of his work, could open the door to you acquiring ownership. Reaching out might further incline him to strike a deal and transfer the rights to you.

Luckily, asking probing questions isn't the only option. In many cases, copyright transfers are recorded through the U.S. Copyright Office. Though such recordation is not *legally* required, parties elect to update the registration certificate in order to provide clarity in the case of "conflicting transfers". For instance, if two parties claim to have ownership of a work, the dispute can be settled by examining the certificate. Therefore, it is *very* plausible that an assignment or transfer of Z. Sailor's work *would* be officially recorded. These updates and information can all be checked through the Copyright Office's online database.

In summation, a good method of research would follow this process:

- check the work's certificate of registration through the USCO's database.
- (Optional) If no updates are present, follow up with Z. Sailor.

As our firm was conducting our own research, we discovered that M. Mimic has written a musical that is substantially similar to your story. Plus, he used a photograph from Z. Sailor's book. It could be that M. Mimic has acquired ownership rights to Mr. Sailor's work. But, he could be breaking the law. In order to protect the work, and sue for infringement, you must **prove** that 1) you had the ***legal right*** to produce the work, 2) the infringer had ***access*** to your work, 3) the works are ***substantially similar***. Given that you were hired to create an adaptation, a photo related to the source work was used, and that the works are similar — it seems as if this case could go your way. In the event that this were to be settled in court, U.S.C. 17 would be a determining factor. Especially **§501, §503, §504**, and **§505**. These sections allow copyright owners to take legal action against an offender (501), seize and dispose (through the courts) of any materials that contain the infringements (503), recover the damages suffered as a result of the infringement / the related profits of the infringer (504), and be compensated for legal fees (505).

In turn, M. Mimic will likely plead his case using §107 of the Copyright Act. This section protects the public's ability to use a copyrighted work 'fairly'. However, since his work is substantially similar, fair use would bring M. Mimic no help.

Going forward, be sure to include proper copyright notices on all of your works. 3 pieces necessary for correct notation are: the © ***symbol***, the ***year*** of initial publication (some works are exempt for cosmetic purposes), and the rightful owner's ***name***.

Please contact our office at 123-456-7891 to schedule an appointment so that we can further discuss these matters.

Sincerely,

Noah Eskew
for Attorney Elias Paulson