

# Copyrights and wrongs

Intellectual property is the earner of the future. Forget manufacturing – we are talking royalty heaven from licensing copyrights, trademarks, know-how, software and everything else that the neo-cortex deigns to deliver up.

One of the many joys of intellectual property rights is that they are cute little autonomous monopolies, wandering the globe deciding who their friends are going to be, who can play with their ball and who can't. Trademarks can be registered all over the world to give the owner protection against unauthorised use.

Copyright doesn't even have to be registered. Here in the UK it arises automatically giving the creator an absolute right to be as capricious, as stubborn, as wilful or as generous with their copyright materials as they wish to be.

Which brings us nicely to Harry Potter. J K Rowling has reinvented the thinking child's television – the imagination. In so doing, she has created stories that people want to hear, to read, in vast numbers. She has been able to licence her copyright to her publishers who in turn have gone on to sell extraordinary numbers of books which have made her well deserved wealth. But copyright doesn't end there of course. In the true traditions of investment culture, the big boys have jumped on the popular after someone else has proved it works and sought to capitalise on the possibilities.

Brands or trademarks in need of rejuvenation grab onto the latest 'big thing' to wrap themselves in a cryogenic wash of eternal youth, reinventing themselves in pursuit of the younger pound and the patina of youth.

(Unless of course they're M&S. You knew something was going awry with the brand values years ago when they wouldn't exchange 'high wool' socks – which in fact turned out to be foot shaped plastic bags – for something at least flirting with the concept of permeability. How have the mighty slipped).

For their part, copyrights can be bought sold and licensed like any other property. And the more popular they are, the more money that can

## Legally Speaking



By Christopher Parkinson



'This one looks like a genius, we must copyright it at once'


be made. So it makes sense for Warners to want to 'own' Harry Potter. Think of the merchandising possibilities, the little dolls, the t-shirts, the cuddly toys – I think I'm going off the whole thing.

Anyway, 'owning' a brand character like Harry Potter gives Warners the right to do what they like with it according to the terms of their licence. This also means they can stop unauthorised use of their rights, just as Cartier can stop counterfeits and Reebok can stop rip offs.

It is well-known that copyright owners like Warners and Disney are very protective of their rights. This of course makes perfect business sense, helping to maintain the value of their characters and the market for them. These days, it is also possible to bring criminal proceedings against unauthorised rip offs. I confess my firm does this – to protect consumers from unauthorised material, you understand.

Consequently, rights owners will go to great lengths to protect their rights. So when Clare Field sets up a Harry Potter fanzine website (<http://www.harrypotterguide.co.uk> – go on check it out – do something subversive and ride the wave of anarchy. Better still, click on <http://www.hairypotter.com>. – Only joking!) her mid-teen HTML skills are assailed by Warner Bros attorneys abseiling down the outside of her dwelling armed with stun grenades, Kevlar jackets and Uzis to stem what they consider to be a breach of their client's rights.

Warner Bros are of course absolutely right in law. You can form your own view of the commercial wisdom of citing a backlash against 'the faceless bullying conglomerate' ([www.the/registerco.uk/content/6/1550.html](http://www.the/registerco.uk/content/6/1550.html)) that the Warners brand has been painted as. It

remains to be seen how far the Harry Potter brand values have been eaten into by the perception of heavy handed treatment. Perhaps as far as some kids are concerned, Harry Potter may as well have eaten their hamster. © Christopher Parkinson 2001. 

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