

Professional Studies for Screen-Based Media

Media Law – Exercise 2 – Actual Case

Once you have completed discussions in the court case scenario, read the following statements from the actual court case for a comparison to see if your conclusions are correct.

Actual court case and outcome

This case is based on the case of the Guinness advert 'Anticipation' and Mehdi Norowzian's original film 'Joy'. The originator Mehdi Norowzian tried to claim that Joy was a work of choreography and the movement of the actor was written out, so if it was performed in a modified form it would be an adaptation of the work of choreography. This was not accepted by the court, which said that the piece could not be performed in reality as he could not have jumped from one side of the screen to the other – this was the result of an editing technique.

Norowzian then claimed that 'Joy', the film itself, was a dramatic work, having a physical presence on film or videotape and also a dramatic work underlying it. The Court of Appeal agreed with this interpretation – there is copyright in the celluloid or videotape and there is also copyright in the underlying dramatic work, but they also said that the underlying dramatic work is a different one in both cases – Joy and Anticipation. The content of the two dramatic works were seen as different and therefore no infringement of copyright was found.

What is seen as an adaptation depends on what you are adapting. If the original film is reliant on a technique, this is not protected at all and there is therefore no copyright of it in a situation such as this. If the initial project is a dramatic work there is always the question of whether the adaptation is far enough from that underlying dramatic work. In this case it was deemed to be far enough apart from the original, and Mehdi Norowzian's claim was dismissed.