



# Comic Art, Creativity and the Law (Elgar Law and Entrepreneurship series)

*Marc H. Greenberg*

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*'In comics, justice always prevails, but the business of comics is a lot trickier. Marc Greenberg combines the expertise of a legal scholar with the passion and insight of a long-time comics fan, untangling the morass of legal issues facing comics - and all creative enterprises - in the past, present and future. Comic Art, Creativity and the Law is essential reading for anyone interested in understanding the multi-billion dollar global industry that comics has spawned.'*

- Rob Salkowitz, author of *Comic-Con and the Business of Pop Culture*

*'An intellectual tour de force and a compelling read . . . Far beyond a practical guide to the law of comics (though it is that too), Greenberg's book touches on the nature of creativity, the basis for IP law and the history of this fascinating medium.'*

- Professor Mark A. Lemley, Director, Stanford Law School, US

The characters and stories found in comic art play a dominant role in contemporary popular culture throughout the world. In this first-of-its-kind work, *Comic Art, Creativity and the Law* examines how law and legal doctrine shapes the creative process as applied to comic art.

The book examines the impact of contract law, copyright law (including termination rights, parody and ownership of characters), tax law and obscenity law has on the creative process. It considers how these laws enhance and constrain the process of creating comic art by examining the effect their often inconsistent and incoherent application has had on the lives of creators, retailers and readers of comic art. It uniquely explains the disparate results in two key comic book parody cases, the Winter Brothers case and the Air Pirates case, offering an explanation for the seemingly inconsistent results in those cases. Finally, it offers a detailed discussion and analysis of the history and operation of the 'work for hire' doctrine in copyright law and its effect on comic art creators.

Designed for academics, practitioners, students and fans of comic art, the book offers proposals for changes in those laws that constrain the creative process, as well as a glimpse into the future of comic art and the law.

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