

# The Eastern Script

*Shameless self-promotion since 2011*

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## PRESIDENTIAL ADDRESS



I'm not going to talk about the last 8 weeks of weather here other than to share some often-invoked-locally adjectives: cold, colder, coldest, biting, frigid, freezing, freezingest, arctic, Siberian, unfriendly, inhospitable, antisocial, subterranean, hibernating, swaddled, layered, cruel, interminable.

Rather than go outside, we focused instead on product improvement in January and so you will find notes in this newsletter on changes to our title searches, a helpful feature at the website (order buttons!), and a new title search offering (“Basics”).

An interesting legal concept is offered up here for discussion: the so-called “right of publicity.” It is one of the issues that we come across when specific set dressing is presented to us. “What would the implications be,” we might be asked, “if our art department made a bobble-head doll of Pope Francis?”

We also wanted to feature a piece leading you to a novel comic book in which the superhero enters into mortal combat with the public domain. It's a clever piece full of excellent material especially for documentary producers wrestling with our “clearance culture” and its many annoyances and burdens.

Best wishes from the place where spring will be welcomed with wide open arms: southeastern Ontario.

**Anne Marie Murphy**  
President



## PLACE AN ORDER FROM THE WEBSITE

In case you haven't been to our website recently you might want to know that you can place an order for all of our services right there. Most of the pages at the site have 2 gray order form buttons (“title search” and “clearance report”) that you can click on to access automated forms which then fly to our [incoming@easternscript.com](mailto:incoming@easternscript.com) address.



When we get to the office the next morning we find your request, confirm we have received it, and follow up with any questions we might have. So, if you can't pick up the phone during regular business hours you can start the ball rolling from wherever you are later in the day with an internet connection. Visit [www.easternscript.com](http://www.easternscript.com).

## TITLE SEARCH REFINEMENTS



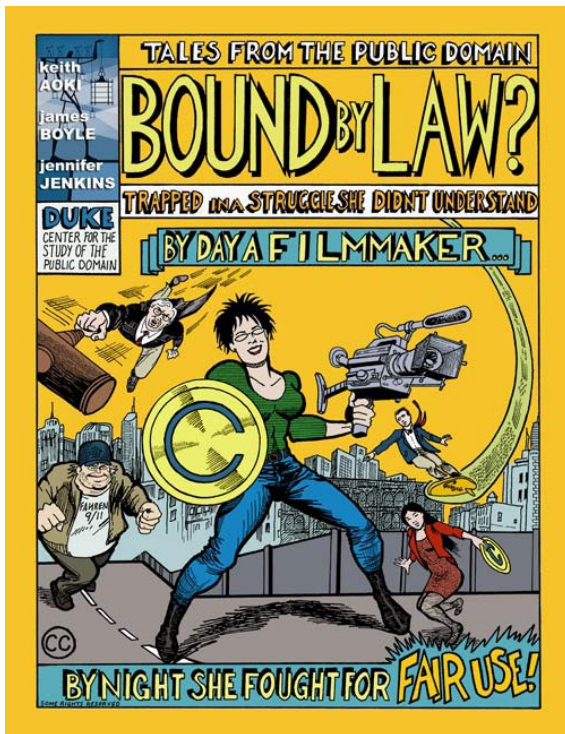
In January we slid our title searches under a microscope and made some improvements. Because the old “television”/“movie” dichotomy wasn't cutting it any more (in this day of streaming webseries and self-posted YouTube projects), we changed those section names to “big screen” and “small screen.” That seems to capture the 2015 situation fairly well.

The other tweak was changing the order of the sections. The previous alphabetical order (business names, copyrights, etc.) has been replaced with order of relevance starting with big screen, small screen, trademarks, copyrights, etc. The most important listings will be front and center going forward.

## TALES FROM THE PUBLIC DOMAIN: BOUND BY LAW? TRAPPED IN A STRUGGLE SHE DIDN'T UNDERSTAND

### By Day a Filmmaker. By Night She Fought for Fair Use.

That's the cover hook to pull you into this alternately funny, infuriating, and brilliant comic book published by Duke University's Center for the Study of the Public Domain. Get your own free digital version of this funny little piece and laugh along as the filmmaker (superhero?) Akiko scratches her head in awe at the complexity of trying to clear the various elements in her documentary undertaking.



Credit: [web.law.duke.edu/cspd/comics](http://web.law.duke.edu/cspd/comics). Artwork reproduced with the permission of Jennifer Jenkins, many thanks.

## NEW TITLE SEARCH – THE “BASICS”

In October, we began offering a new title search: the “Basics” search. For producers with limited distribution plans, this search focuses on the 25 North American sources of most concern, covering film and television listings, copyright and trademark registrations, plays and publishing.

We have advocated over the last few years for such a product to be accepted by the insurance companies and finally got the go-ahead from one of the major underwriters at the end of 2014. Other insurance companies have since followed suit. Priced at \$495 (\$CAD) for the 10-day turnaround, we hope it will fill the void that existed for a lower-priced option that still searches all the most important sources for those reports.

## RIGHT OF PUBLICITY = ?

In June 2014, the state of Massachusetts came a step closer to joining the thirteen other U.S. states that already recognize a legal concept known as the “right of publicity.” That state's Senate passed a bill that now moves to the other state legislative body for further consideration. To read the details, visit [malegislature.gov/Bills/188/Senate/S1630](http://malegislature.gov/Bills/188/Senate/S1630). In Canada, this concept is known as “appropriation of personality” and is well described here: [iposgoode.ca/2009/04/a-short-overview-on-the-tort-of-appropriation-of-personality](http://iposgoode.ca/2009/04/a-short-overview-on-the-tort-of-appropriation-of-personality).

The right of publicity is, loosely stated, a person's ability to control how his or her name/likeness/etc. is used for commercial purposes. While it seems odd that a famous person would complain about further publicity, not all publicity is the kind that you want. How would the current Roman Catholic pope feel about a toy line featuring his face? Why not, he's a public figure, right? Well if you are curious about the issues at play, read more: [rightofpublicity.com/pope-francis-dolls](http://rightofpublicity.com/pope-francis-dolls).

Using a famous person's name or reputation to make money for yourself—that is also at the heart of the matter. Imagine a hypothetical example involving a deceased celebrity. You are launching a product line of “Lauren Bacall” cosmetics and hair care products. Fair enough, right, she died

last year so why not? The right of publicity in that scenario lies with her estate, they would certainly contact you once they got wind of the trademark applications you had filed. They have the right to control post-mortem publicity rights related to commercial uses of her image/name such as the one you have planned.

Fact being stranger than fiction, let's look instead at a story involving one of the most publicity-loving celebrities in the world: Paris Hilton. Hallmark (greeting card company) had superimposed Hilton's head onto a cartoon waitress' body and attempted to sell greeting cards ("happy birthday" anyone?) featuring the image. Although the irony of this example really amuses me (are there truly times when Paris Hilton does NOT want publicity?), I am fully aware that it is not so much the product she is taking issue with here but the potential loss of revenue. Take a look at the details and judge for yourself: [guidethroughthellegaljungleblog.com/2010/09/why-paris-hilton-won-her-lawsuit-against-hallmark.html](http://guidethroughthellegaljungleblog.com/2010/09/why-paris-hilton-won-her-lawsuit-against-hallmark.html).

This concept pops up at times in our clearance reports typically in items related to set dressing. While your intention after the film is released is not to launch an actual product line of (hypothetical example) Robin Williams bobble head dolls such as the one on your main character's desk, Williams' estate may nonetheless protest its use in your film about a homicidal maniac on whose desk the Robin Williams head bobbles throughout the film. Again, not all publicity is good publicity and in this case the tastelessness of the prop would add to the strength of the Williams family's protest.

## FUN BOOKMARKS

[tiesenhausen.net](http://tiesenhausen.net)

This fellow is using copyright to "fight the power." Alberta artist Peter von Tiesenhausen's 800 acre property sits squarely in the path of Big Gas Pipeline Plans and he fights back with his expertise: artwork. From his website: "The land where he lives constitutes his primary and ongoing artwork and in 1995 he claimed copyright over that land. He has been successful on several occasions defending this artwork against the incursions of multinational corporate interests." Google his name with "pipeline" to find news coverage of his strategy, it's brilliant.

[eastman.org/technicolor](http://eastman.org/technicolor)

"Explore Technicolor's History" at the renowned George Eastman House's website. There's all kinds of fun to be had here for cinephiles as you browse through decades of images from the museum's world-famous collection. "The Technicolor Corporate Archive was gifted to George Eastman House in 2009. The archive's notebooks, dye bottles, research files, cameras, and printing equipment supplemented the museum's existing holdings of vintage Technicolor cameras and Technicolor film negatives, including the color separation negatives for *Gone With the Wind* and *The Wizard of Oz*".

Source: the George Eastman House website

## RECENT WORK

### BIG SCREEN

**HYENA ROAD** Keep an eye out for this “high octane Afghanistan war epic from Paul Gross,” due in theatres soon.

Source: Rhombus Media website

**SHUT IN** “A woman discovers a terrifying secret about her troubled son”. Stars Naomi Watts.

Source: IMDb

### SMALL SCREEN

**DELMER & MARTA** “From the award winning sketch comedy series *CAUTION: May Contain Nuts*, everyone's favorite couple is back, this time in their very own show! Relocating to the “Big City” of Morningside, Alberta (pop 40,000), Marta (Howie Miller) and Delmer (Sheldon Elter) adjust to their new lives in the heart of a thriving and close-knit prairie community.”

Source: delmerandmarta.com

**FANGBONE** “Fangbone is a nine-year-old barbarian warrior from Skullbania who has landed in Eastwood Elementary's third grade class to save his native land from the vilest villain, Venomous Drool. With the help of his new sidekick Bill, a lovable, normal, goofy kid, Fangbone outwits his enemies while discovering the modern world.”

Source: Radical Sheep website radsheep.com

**MYSTICONS** “The original series is centered around four regular kids in the quiet suburb of Castletown who are called into action to double as a legendary line of heroes, known as Mysticons.”

Source: corusent.com press release

