

Copyright News as We Begin 2025

February 05, 2025 | (Time to read: 4 minutes)

The new year has brought new copyright cases and decisions to take note of in the realm of entertainment. Disney has been sued for copyright infringement in a case that could have lasting effects on studios' production and management of creative content. And in a recent decision, a panel of the Ninth Circuit held that kinetic sculptures (works that incorporate movement as a fundamental element) are potentially eligible for copyright protection.

Woodall v. The Walt Disney Company

Disney, renowned for adapting classic public domain stories such as *The Jungle Book* and *Cinderella*, is currently facing a significant legal challenge alongside its financial success from the *Moana* franchise, which has surpassed \$1 billion in global box office sales. *Buck G. Woodall v. The Walt Disney Company, et al* (Case No. 2:25-cv-00273) was filed in the US District Court for the Central District of California on January 10, 2025. The lawsuit, filed by writer Buck G. Woodall, claims that Disney's *Moana* franchise is based on his copyrighted materials, which he allegedly shared with former Mandeville Films employee Jenny Marchick nearly two decades ago.

Woodall's lawsuit references a substantial amount of intellectual property, including a completed screenplay and character designs for his projects "Bucky" and "Bucky the Wave Warrior." He asserts that Marchick passed this material to Disney, leading to the creation of *Moana*. It should be noted that Woodall has a separate lawsuit essentially claiming the same elements that is substantially further along and set for trial in March. That case is *Buck G. Woodall v. The Walt Disney Co., et al.*, case number 2:20-cv-03772, also pending in the U.S. District Court for the Central District of California. ("Woodall I"). While the court upheld Woodall's copyright over his work in *Woodall I*, it dismissed certain claims against Disney (but not co-defendant Buena Vista Home Entertainment, Inc.) as time-barred pursuant to the Copyright Act's statute of limitations providing that a copyright owner must bring an infringement claim within three years of its accrual.

The court's rulings in *Woodall I* have further highlighted the complexities of copyright law, particularly regarding the common themes found in storytelling and the concept of "scènes à faire," which protects common narrative elements. The similarities cited between *Moana* and *Bucky* include a teenage protagonist embarking on a perilous ocean journey, spiritual guidance from animals, and the use of a symbolic necklace.

Between the two cases, Woodall seeks extensive relief, including declarations of infringement, damages exceeding \$10 billion, and injunctions against future reproductions. As the cases progress, they underscore crucial questions about intellectual property rights and the ethical implications of creative adaptation in the film industry, potentially influencing how studios approach storytelling and ownership of creative ideas in the future.

Tangle Inc. v. Aritzia, Inc

On January 14, 2025, the Ninth Circuit ruled that kinetic sculptures, which incorporate movement, can be eligible for copyright protection, challenging the notion that such works must be static to be copyrighted^[1]. Tangle, the plaintiff, holds copyright registrations for seven kinetic sculptures made from curved tubular segments that can be freely twisted, allowing for endless poses. Aritzia, the defendant, used similar sculptures in its retail displays, prompting Tangle to sue for copyright and trade dress infringement.

Initially, a district court dismissed Tangle’s case, but the Ninth Circuit reversed the dismissal of the copyright claim while upholding the trade dress dismissal. Aritzia contended that Tangle’s sculptures weren’t eligible for copyright since they are not fixed in a single form. The court disagreed, comparing Tangle’s work to other artistic forms like dance and film, which are also dynamic but still receive copyright protection.

The court acknowledged that while individual elements of Tangle’s sculptures may not be protected, their overall selection and arrangement could be copyrightable if original. Tangle has plausibly alleged that Aritzia’s designs are substantially similar to its own, particularly in the number, shape, and connection of segments. In conclusion, the court indicated that the case is still active and requires further discovery to determine the similarities between the sculptures adequately, signaling that significant legal developments lie ahead.

RIAA v. Suno adn Udio

In August 2024 we covered the Recording Industry Association of America (“RIAA”)’s twin lawsuits against AI music generators Suno AI^[1] and Uncharted Labs, Inc. on behalf of Sony, Universal and Warner Brothers for copyright infringement. Both cases are still pending, with no substantive updates. As noted in August, the legal theory in these cases is novel – it is not only that the musical output itself infringes copyright but that the underlying training model, using copyrighted material, is also a copyright infringement. The music industry, by bringing this issue head-on in litigation, has created the opportunity to create case law that could benefit either the music companies or the AI creators. It was expected that the United States Patent and Trademark Office (“USPTO”) was to issue guidance on this very issue by the end of 2024 – alas, no such guidance has been issued and so 2025 is shaping up to be the year these issues are potentially decided in court.

[1] UMG Recordings, Inc., et al v. Suno, Inc. et al (Case No. 1:24-cv-11611) was filed in the US District Court for the District of Massachusetts. UMG Recordings, Inc., et al v. Uncharted Labs, Inc. et al (Case No. 1:24-cv-0477), was filed in the US District Court for the Southern District of New York.

[1] UMG Recordings, Inc., et al v. Suno, Inc. et al (Case No. 1:24-cv-11611) was filed in the US District Court for the District of Massachusetts. UMG Recordings, Inc., et al v. Uncharted Labs, Inc. et al (Case No. 1:24-cv-0477), was filed in the US District Court for the Southern District of New York.

[1] Tangle, Inc. v. Aritzia, Inc. ___ F. 4th ___, 2025 WL 85839 (9th Cir. Jan. 14, 2025).

Related People

- Jenifer C. Wallis