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Super-bucks for Creators  
By: Raju Mudhar, Toronto Star

While Superman may stand for truth, justice and the American way, a recent court decision could result in the character becoming an icon for creators' rights.

Creators Jerome Siegel and Joe Shuster sold their work to Detective Comics (DC) for \$130 each in 1938 and saw very little of the proceeds from the movies, products and items based on the character. Their heirs and estates have been seeking to rectify the situation for years, attempting to get a cut of the annual \$1 billion in business Superman generates.

Two weeks ago, a judge ruled in favour of Siegel's heirs. Half the Superman copyright in the U.S. - effective from April 1999 - reverts to the Siegel family in 2013. Shuster had no direct heirs, but his estate will have its day in court in the next few years to see if it also has a claim on Superman.

How much that claim is worth is yet to be determined.

The copyright decision applies only to character traits established in Action Comics No. 1. For instance, at that time the character couldn't fly, but could leap tall buildings with a single bound.

Other aspects of Superman lore that were created subsequent to the first issue - including characters Lex Luthor, Jimmy Olsen and even the yellow and red S on Superman's chest - remain under DC's control. DC retains international rights.

DC, a division of Time Warner, has said it plans to appeal the decision, and most recently the judge has ordered the two parties to undergo a 60-day mediation to try to come up with a settlement offer - which is how many experts have always expected this case to end.

"That disentanglement is a very, very difficult task, practically impossible, to try and figure out how much of the finished product the original product represents," says Mark Hayes, an intellectual property lawyer at Blakes, Cassels & Graydon.

"It can be a very difficult thing to try and tease out who created what and how much it is worth."

The decision puts the future of the Superman brand - including a rumoured movie sequel - in question and could affect other lawsuits - including one involving the copyright of Superboy.

If the Siegel family agrees to a settlement, whether a lump sum or a royalty-based arrangement, the character could continue saving lives without anything changing in the eyes of fans.

"It's bringing attention to a little known fact of the copyright regime, both in the U.S. and Canada, and that is, if you're an author and you assign your copyright to someone that copyright reverts back to your heirs 25 years after your death," says Hayes.

