Index

2 Live Crew 71–73; see also parody
“Aang Can’t Wait to Be King” (fan video) 88
Ace Books 138–39
adaptation, see derivative works
Alternative: Epilog to Orion 13
Alvin and the Chipmunks 104
“Anacreontic Song, The” (aka “To Anacreon in Heaven”) 75
“And the Truth Will Set You Free” 17
anime music video (AMV) 83; see also vidding
ARPANET 13
AudioSwap 146
Austen, Jane 8, 81, 83; see also zombies, Jane Austen and

Bach v. Forever Living Products 39–40
Barsoom 95
Batman 75, 81
  Adventures of Batman and Robin ... and Jesus, The 81
  Batmobile 75
  Dark Knight, The 75
  Detective Comics 75
Baum, L. Frank 1, 95, 120, 139
  Patchwork Girl of Oz, The 95
  Wizard of Oz, The 5, 53, 89, 95, 120, 126
  Wonderful Wizard of Oz, The 95
Beekveld, Erwin, see “They’re Taking the Hobbits to Isengard”
Beowulf 59
Berlin v. E.C. Publications 73, 79
Berne Convention, see copyright / international
Berners-Lee, Tim 13
Beyond Antares 13
Bitterleaf, Belkar 25
Black Hole Travel Agency (series) 115
Daley, Brian 115
  Luceno, James 115
  Bogart, Humphrey 29, 41
  Bond, James 3, 35–40, 52
  Fleming, Ian 36
  MGM v. Honda 35–39
  Bradley, Marion Zimmer (aka MZB) 1, 110–116, 135–37, 145
  Contes di Cottman IV 110
  Contraband 112–14, 136
  Darkover 93, 106, 110–16, 135–36
  Catmen 106
  “Darkover Non-Guidelines” 113–14
  Friends of Darkover, The 110, 112, 114, 116
  Keeper’s Price, The 112
  Mists of Avalon, The 110
  Moon Phases 110, 112–13
  Boal, Nina 113
  Starstone 110
  Brokeback Mountain 7
  Proulx, Annie 6–7
  McMurtry, Larry 7
  Buchwald, Art, King for a Day / Coming to America 136
  Buffy the Vampire Slayer 6, 11, 81, 88
  Rosenberg, Willow 53, 88
  Summers, Buffy 81, 83, 88–89, 115
  Burroughs, Edgar Rice, 25–32, 53, 95, 115; see also Tarzan and Barsoom
  Campbell v. Acuff-Rose Music, Inc., see copyright / fair use; see also parody
  Carroll, Lewis, “You are Old, Father William” 73
  Castorp, Hans 44
  cease-and-desist letter(s) 95–97
  CERN (European Organization for Nuclear Research) 13
  Chander, Anupam 121–23
  Chang, Christine 118–19
Fan Fiction and Copyright

Cheng’en, Wu 59
Chilling Effects Clearinghouse 161
Chesterton, G.K.
Father Brown 19
G.K. Chesterton’s Science Fiction Magazine 19
on parody 19, 72–73, 110, 149–150
“Colonel Bogey March” 75–78
Bridge on the River Kwai, The 75–76
“Comet-Vomit” song 76–77
“Hitler Has Only Got One Ball” 76
King’s Own Calgary Regiment, The 77
Marine Lt. (Major) Joseph Ricketts (aka Kenneth Alford) 75–78
Minna no Uta 77
“Saru, Gorira Chimpanji” (“Monkey, Gorilla Chimpanzee”) 77
Comic-Con 80–81, 144–45
commercially published fanfic 117–31
Conan Doyle, Arthur 22–23, 61–62, 111–14, 137, 139; see also Lost World
Holmes, Sherlock 22–24, 28–29, 37–38, 52–53, 111, 113, 137, 139
Baker Street Irregulars 139
Misadventures of Sherlock Holmes, The 111
Sherlock Holmes Society 139
The Lost World 22–23, 61–62
Challenger, Jane 62
Challenger, George 62
Conan the Barbarian: The Musical 83
curiose up, see parody
Conroy, Pat 68
contrafacta 78
Chiffons, The, “He’s So Fine” 79
Harrison, George, “My Sweet Lord” 79
copying more than necessary 73
copyright
characters, copyright in
graphic characters 34–37, 102
minor characters 11, 45
secondary characters 31
stock characters 40–45
"story being told" test 25, 28–45, 50–52, 114
tertiary characters 45
Index

173

pre-registration 156–57
registration and civil infringement actions 157–58
registration as prerequisite to certain remedies for infringement 158
remedies for infringement: damages and profits 158–59
rights of certain authors to attribution and integrity 154–55
subject matter of copyright 154

Crichton, Michael 22–23, 61–62; see also Lost World
Jurassic Park 61
crossovers 18, 78
Code of Best Practices in Fair Use for Online Video 92

Davenport, Maltbie, “This Is My Father’s World” 85
Der Ring des Nibelungen, see Wagner, Richard
Digital Millennium Copyright Act (DMCA), see copyright
disclaimers 74
documentary 66, 92, 144
Documentary Filmmakers Statement of Best Practices in Fair Use 92
Dupin, C. Auguste 28

Eisner, William 28
Electronic Frontier Foundation 161
Enterprise, U.S.S. 50–52
Epic of Gilgamesh 27
Estienne, Henri 75
European Organization for Nuclear Research, see CERN

fair use, see copyright/fair use
fan fiction, see fanfic
fan musicals 65–66, 83, 106
fan works, see fanfic
Fan Works Inc. 161
anti-fandom 72
fanvid, see vidding
fanzine 8, 9, 95, 110, 113, 115–16

Feist Publications v. Rural Telephone Service Co. 145
Felinzi 96
Field, Claire 118–19
filk, filksongs 78–79
Friedell, Egon 137–38
Der Partylowe der nur Bucher frass: Egon Friedell und sein Kreis 138
Die Ruckkehr der Zeitmaschine (The Return of the Time Machine) 137–38
Gable, Clark 43
Gaddam, Sai 11–12
Gaiman, Neil 5–6, 18–19, 25, 32, 41, 144, 146
“Entitlement Issues” 6
“The Problem of Susan” 18
Gaiman v. McFarlane 146
Gilligan’s Island 16, 52
“God Save the Queen” 88
Archies, The 88
Sex Pistols 88
Godzilla 35–36, 40
Goldberg, Whoopi, “My God” 79
Gone With the Wind 66–68
“Good Morning to All” 75
Goonies: The Musical 83

Haage, Peter, Der Partylowe der nur Bucher frass: Egon Friedell und sein Kreis 138
Haggard, H. Rider 28
Halicki Films, LLC v. Sanderson Sales & Marketing 50–52
Eleanor (car) 50–52
Gone in Sixty Seconds 50
Hamilton, Laurell K., Anita Blake: Vampire Hunter series 6
Hammett, Dashiell 29–31, 33, 41
Fan Fiction and Copyright

Maltese Falcon, The 28–32, 41, 52
Spade, Sam 28–31, 34, 37, 41, 50, 99
“Sam Spade Test,” see copyright/
characters / “story being told” test
“Happy Birthday to You” 74–75; see also
“Good Morning to All”
Harrington, Honor 62
Harry Potter (series)
“Becoming Hermione” 81–83, 88–89
Dursley, Dudley 139–43
Firebolt 52
“Five Years Even Later” 17, 143
Granger, Hermione 11, 17, 45, 69,
81–83, 88–89, 141–42
Hali Bote yu Bao Zulong 124
Harry Potter and the Showdown 124
Jingsheng, Li 124
Harrypotterguide.co.uk 118–19
harrypotternetwork.net 118–19
Hari Putter – A Comedy of Terrors
123, 125
Harry/Draco 10–11, 69
Harry Potter and the Chinese Overseas
Students at the Hogwarts School of
Witchcraft and Wizardry 124
Harry Potter Lexicon 1, 67, 116,
126–131, 137, see also Vander Ark, Steven
Harry Potter: The Musical 66
HPana 116
Leaky Cauldron, The 116
Longbottom, Neville 17, 117
Lovegood, Luna 17
Mugglenet 116
Potter, Harry J. 6, 16–17, 27, 69, 93–
94, 110, 116, 123–30, 135–43
Porri Gatter and the Stone Philosopher
122, 125
Radcliffe, Daniel 42
Rowling, J.K. 1, 6, 16–17, 27, 69, 93–
94, 110, 116, 123–30, 135–43
Snape, Severus 11, 18, 31, 53
Veritasrum 116
Watson, Emma 83
Weasley, Ronald 17, 45, 69
Weasley, George 140, 142
Weasley, Ginny 5, 17
Hepburn, Audrey 28
Herbie (VW Beetle) 50
“Hey There Cthulhu” 80
H.M.S. Harmony (fan ship) 11
Hudson, William Henry, Green Mansions
28
hyperreal 5
Idem sonans 123
Internet service provider (ISP) 14–15
Jackson, Peter 80
Jacobs, Adrian, The Adventures of Willy the
Wizard: Livid Land 136
Jenkins, Harry 11
Jennings, Philip C., Buglife Chronicles,
The 115
“Jingle Bells” 75
Jonathan Livingston Seagull 39–41
Journey to the West 59
Ka-Zar 27
Kaye, Marvin, The Incredible Umbrella
115
Kipling, Rudyard 26–27
Jungle Book, The 26
Mowgli 26–28
Krueger, Freddy 52
LaHara, Brianna 15
Lamb, Jean 1, 93, 96, 112–114
Masks 112–14, 137
Langford, David 18–19
Ansible 19
“Spear of the Sun, The” 18–19
Lestat (vampire) 6, 115
Lewis, C.S. 18, 95
Aslan 19
Last Battle, The 18
Lion, Witch, and the Wardrobe, The 19
Narnia, Chronicles of (series) 18–19
Out of the Silent Planet 95
Lewis, Gladys Adelina Selma (aka Georges
Lewys) 43–44, 136
Temple of Pallas-Athenae, The 43
lip dub videos 90
literary merit/quality 57, 65, 68
<table>
<thead>
<tr>
<th>Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>© Copyrighted Material</td>
</tr>
</tbody>
</table>

| Lockhorns Movie | 69–70 |
| Looney Tunes, Carrotblanca | 87 |
| Lost World, The |
| Crichton, Michael |
| *Lost World* 22–23, 61–62 |
| *Jurassic Park* 61 |
| Lucas, George 10, 105; see also Star Wars Lucasfilm 10, 105 |
| People v. George Lucas, The 144 |
| machinima 81 |
| McMaster Bujold, Lois 62 |
| Mann, Thomas, *Magic Mountain* 44 |
| Martin, George R.R. 5–6 |
| Song of Ice and Fire (series) 5, 7 |
| Mary Sue fanfic 120–24 |
| mash-ups 83, 89 |
| meta-fanfic 18 |
| *Mirage Studios v. Counter-Feat Clothing Co., Ltd.* 99–102 |
| misrepresentation 135 |
| misuse 135 |
| *Moby Dick* 44 |
| moral rights 13, 31, 93, 134, 145 |
| right of attribution (aka right of paternity) 134, 145 |
| *Mrs. Dalloway* 44 |
| “My Favorite Things” 79 |
| Nichols v. Universal Pictures Corp. 42–44, 50, 54, 103 |
| Nichols Test, see “sufficiently delineated” test |
| Niven, Larry 1, 93–99, 102–103, 106–112, 117, 135, 139, 145 |
| Known Space 94–95, 106–110 |
| kzinti, kzin 94–99, 102–103, 106–110, 135 |
| *Man-Kzin Wars IV* (aka MKW4) 96–98 |
| *Patchwork Girl, The* 95 |
| *Ringworld* 94–95, 106 |
| Speaker to Animals 106 |
| Chmee 106 |
| Noir, Reynard 16 |
| Nutcracker, The 66 |
| Balanchine, George 66 |
| Baryshnikov, Mikhail 66 |
| Ivanov, Lev 66 |
| Petipa, Marius 66 |
| Tchaikovsky 66 |
| O’Neill, Eugene 43–44, 136 |
| Strange Interlude 43–44 |
| Ogas, Ogi 11–12 |
| Olaks 103–104 |
| Olson v. NBC 37, 40–41, 51 |
| Organization for Transformative Works (OTW) 89–92 |
| parody 19, 54–57, 59, 68, 71–74, 75, 79, 80, 87, 91, 96–97, 109–110, 120, 125–27, 133, 137–38, 149–50; see also copyright/transformatve work conjuring up original work 79–80, 89, 109 |
| passing off (tort law) 100, 102 |
| Pasternak, Boris, *Doctor Zhivago* 65 |
| performance rights 61, 80, 83, 152–153, 159 |
| Pierpont, James Lord 75 |
| Piper, H. Beam, *Fuzzies* (series) 104 |
| plagiarism 43, 135 |
| Popeye the Sailor Man, cameo appearance in *Mason & Dixon* 115 |
| Postauer, Ruben 36 |
| Potter, Harry, see *Harry Potter* (series) |
| Potter Puppet Pals 17, 81 |
| “Mysterious Ticking Noise, The” 18 |
| *Preston v. 20th Century Fox Canada, Ltd.* 103–105, 136 |
| *Space Pets* 103–105 |
| Pretty Woman, see parody |
| Prince (artist formerly and again known as) 62 |
| Proulx, Annie, see *Brokeback Mountain* |
| public domain, see copyright |
| Pyle, Gomer 16 |
| Pynchon, Thomas, *Mason & Dixon* 75, 115 |
| Randall, Alice, *Wind Done Gone, The* 68 |
| Reagan, Ronald 27 |
Recording Industry Association of America (RIAA) 15
Red Dawn 65
Red Heat 65
real people as fictional characters 45–49
Brodie, Fawn 46
Burgess v. Chase-Riboud 45–46
Burgess, Granville, Sally Hemings: A Novel 45–49
Chase-Riboud, Barbara
Amistad 46
Dusky Sally 45–49
Echo of Lions 46
Hemings, James or “Jimmy” 47–49
Hemings, Sally 45–49
Jefferson, Thomas 45–49
reproduction, see copyright
Rice, Anne, Blood Canticle 6
Rima, the Jungle Girl 28
Ring Cycle, The, see Wagner, Richard
Rocky 37–40, 45
Anderson v. Stallone 34–35, 45
Roddenberry, Gene, see Star Trek
Rowling v. Uitgeverij Byblos BV 119–20
Rowling, J.K., see Harry Potter
Salinger v. Colting 54–57
Catcher in the Rye, Caulfield, Holden 54–57
Colting, Fredrick (aka John David California) 54–57
Mr. C 54–57
60 Years Later: Coming Through the Rye 54–57
Salinger, J.D. 54–57
satire 73–74, 79
scènes à faire 42, 46–48, 65
Shearer, Nina 43
Shore, Howard, Shire (musical composition) 85–86
Sheena, Queen of the Jungle 28
Sheppard, Franklin L. 85–86
chanslash 11
femmeslash 11, 88
femslash 11
friendship fiction 11
defenestration 42, 46–48, 65
endedor 42
ender slash 11
femslash 11
het 11, 94
Real Person Slash (RPS) 11
shipping 11, 109
transgender slash 11
yaoi 11
Slylock Fox 16
Snow White 115
Barthelme, Donald 115
Brothers Grimm 115
in public domain 115
spoiler alerts 130
squick 14, 93
“Star Spangled Banner, The” 75
Kirk/Spock 10, 13, 88
Not Tonight, Spock 12
Roddenberry, Gene 9–10, 16, 94, 121
“Star Trekkin’” 78
Star Trek: The New Voyages 9–10
Star Wars 10, 89, 103, 116, 144
Ewoks 103–105, 136
“Jedi of Oz, The” 89
Millennium Falcon 52
Return of the Jedi 103
Wookiee, as partial source for name “Ewok” 105
Stationers’ Company 139
statutory damages 134–35, 158–59
Sternberg, Elf 1, 93–99, 102–103, 106–112, 145
“Only Fair Game, The” 96–99, 106–110
Stoker, Bram, Dracula 25, 115
Stouffer, N.K. 135–36
Rowling v. Stouffer 136
Larry Potter and His Best Friend Lily 136
Legend of Rah and the Muggles, The 136
muggles 135–36
Strelnikov 65
Sunder, Madhavi 122
Suntrust Bank v. Houghton Mifflin Co. 68
Superman 31, 32, 37–38, 67
t.A.T.u., “All the Things She Said” 88
Tarzan 14, 25–31, 37–38, 52–54, 115, 123
Burroughs, Edgar Rice 25–32, 53, 95, 115

Burroughs v. MGM 30–32

Porter, Jane 26–27, 115

Tarzan/D’Arnot 14

Tarzan of the Apes 25–30

Sheena, Queen of the Jungle and 28

Rima, the Jungle Girl and 28

Taylor, Jane 74–75

Twinkle, Twinkle, Little Star

Mozart, Wolfgang Amadeus 75

“Ah! Vous dirai-je, Maman” 75

“Twinkle, Twinkle, Little Star” 74–75

Taylor, Jane 75

Teenage Mutant Ninja Turtles 99–106

“They’re Taking the Hobbits to Isengard” 64, 85–87, 88

Toho v. William Morrow & Co. 35–36; see also Godzilla

Tolkien, J.R.R. 59–60, 64, 75, 80, 124, 138

Cauldron of Story 59, 64, 75

The Children of Hurin 60

Fellowship of the Ring 80, 85–86

Lord of the Rings 11, 42, 59, 69–70, 80, 85–87, 116, 138

Gamgee, Sam 60

Gollum 59–60, 69–70, 80

Silmarillion, The 60

Two Towers, The 85

trademark 8, 12–13, 50, 52, 54, 73–74, 88, 93, 98, 101, 123, 131

transformative works 67–70, 89, 131; see also copyright / fair use

Transformative Works, Organization for, see Organization for Transformative Works

translation 60, 65, 75, 106, 120, 122, 138, 151; see also derivative works

tribute work 66

Tushnet, Rebecca 11, 84–85, 207, 115, 147

Twilight 3, 6, 15, 81

Cullen, Edward 15, 81, 83, 88–89

“Edward Cullen Meets Buffy Summers” 81, 83, 88–89

Swan, Bella 81

Usenet 94, 96–97, 107

Vander Ark, Steven 1, 93, 116, 126–131, 137, 143

Harry Potter Lexicon 1, 67, 116, 126–131, 137

HP-Lexicon.org 131

vidding 74, 81, 83–85, 146

Visual Artists Rights Act (VARA) 2, 134

Volkov, Alexander, Wizard of Oz stories 120–21

Vorkosigan, Miles 62

Wagner, Richard, Der Ring des Nibelungen 59–60

Walt Disney Prod. v. Air Pirates 30, 33–37, 40–41, 50–51

Waters, Horace 75

Warner Bros. v. RDR Books 129–31, 137

Weber, David 62

Wells, Gary 95–96

Wells, H.G., The Time Machine 137–38

Wells, Mary, “My Guy” 79

Wombles 99–105

Tobermory 100

Bulgaria, Great Uncle 100

Beresford, Elizabeth 99

World Trade Organization (WTO), see copyright law/international

Wu, Timothy 122–23

Xuànzàng 59

Xena: Warrior Princess 91

Yankovic, Weird Al, White & Nerdy 73

Yemets, Dmitry 27, 119–22

Grotter, Tanya 27–28, 119–22, 125

Hooligan adventures 121

Methodius Buslaev 121–22

Methodius Buslaev: Revenge of the Valkyries 122

Tanya Grotter and the Magic Double Bass 119–20

Tanya Grotter and the Pearl Ring 122

Tibidokhs School of Magic 27, 119

zombies, Jane Austen and 8, 166

Zutara (fan ship) 11