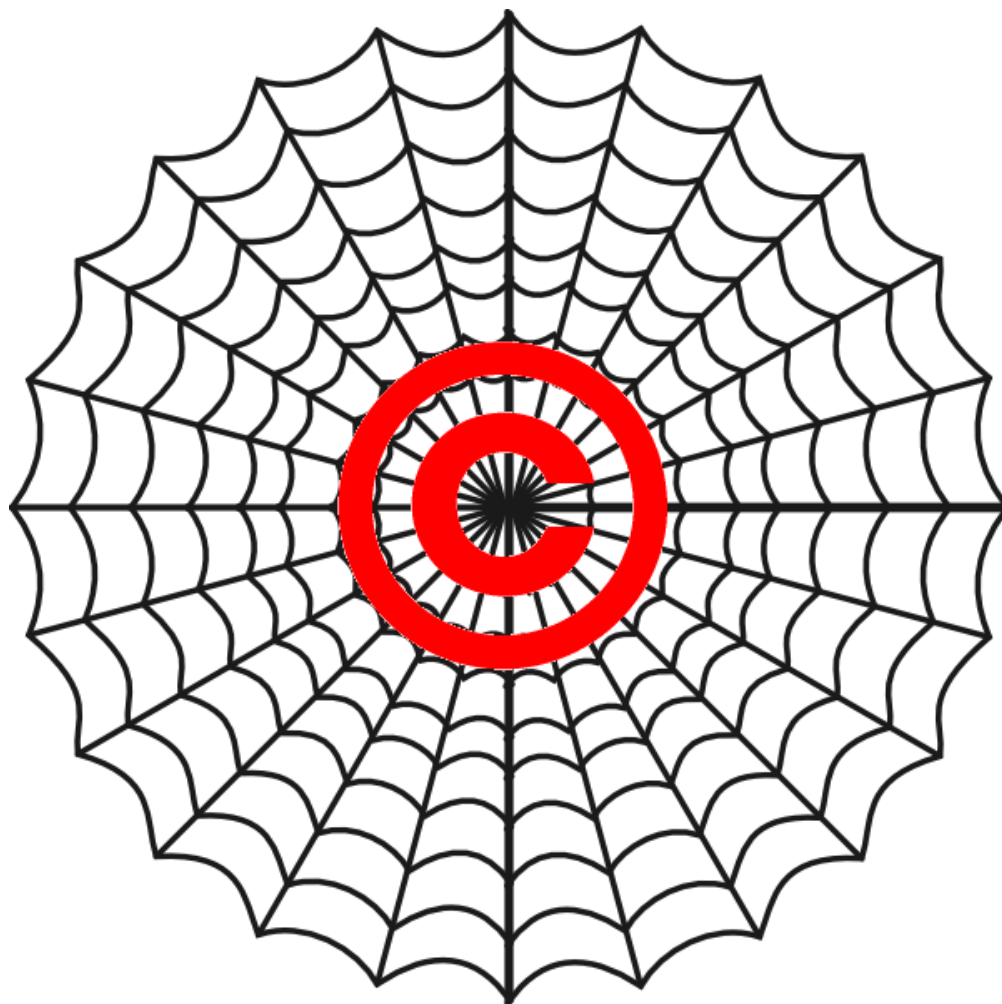


Oh What a Tangled Web: Does Julie Taymor have a valid copyright in Spider-Man?

February 24, 2012 by [Anthony Rufo](#)

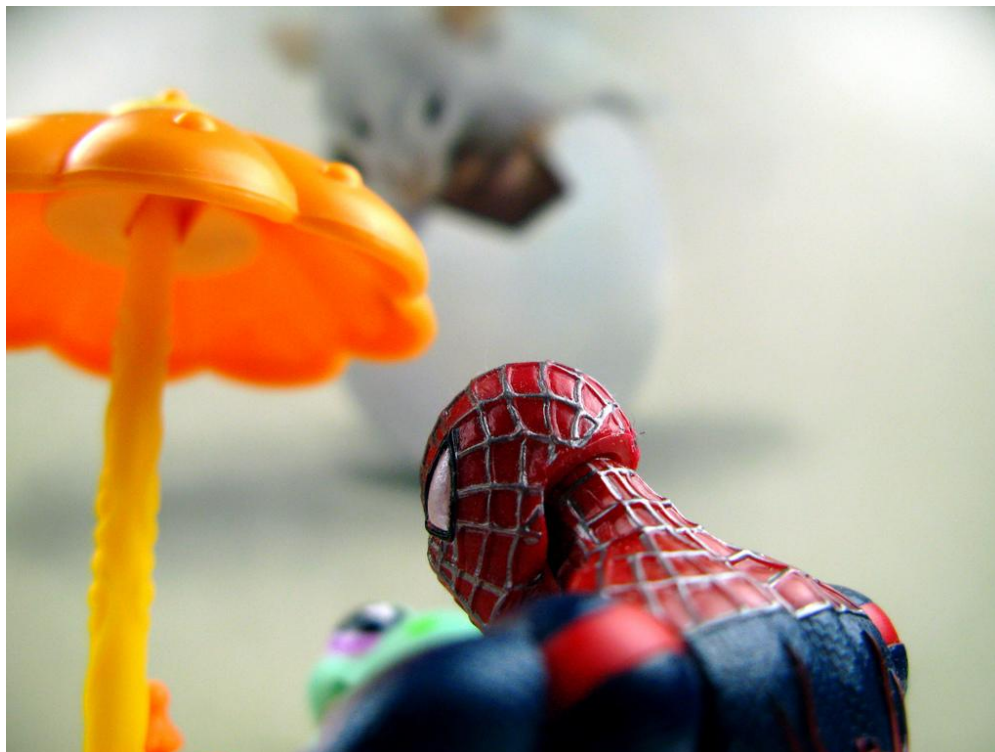


The backstage drama, from the classic 1950 film [All About Eve](#) to the new television hit [Smash](#), is an oft employed narrative convention filled with juicy melodrama between show business colleagues set to the backdrop of a spectacular stage production. The [copyright infringement lawsuit](#) filed in late 2011 by internationally acclaimed theater and film director Julie Taymor against her former co-collaborators of the hit Broadway musical [Spider-Man: Turn Off the Dark](#) proves that the cliché has strong roots in reality. Taymor, famous for her Tony-award winning stage adaption of Disney's *The Lion King* as well as her film directorial efforts (including her Academy Award-nominated film *Frida*), signed on to direct the *Spider-Man* musical in the early stages of its development. The show, yet another re-telling of Marvel Comics' famous web-slinging crime fighter's origin, is set to the music of Paul David Hewson and David Howell Evans, more commonly known as Bono and The Edge of the legendary rock band U2. The production, rumored to have cost as much as \$75 million to mount (the most ever for a Broadway show), was famously plagued

by technical and creative troubles as well as a spate of injuries to cast members during its preview run, which began in late 2010. Taymor notoriously ceased working on the production in April 2011.

The complaint paints a scene of secretive, back-stabbing collaborators, furtively plotting to revise Taymor's work without her permission. Not surprisingly, the defendants, producers of the production, allege a very different story. By their account, Taymor was uncompromising and uncooperative. They claim she was focused more on her desire to weave into the plot the tale of [Arachne](#), culled from Greek mythology, than she was in telling the well-known legend of how Peter Parker was transformed by a radioactive spider bite. They go so far as to allege that she once exclaimed, "I don't give a f#! about audience reaction!"

For her part, Taymor authored and claims copyright in an early three-page treatment of the show's story arc. She likewise claims copyright in the show's original "book," theatrical parlance for all of the non-musical aspects of the script including dialogue and notated stage directions. Taymor admits to having co-authored the original book, staged during the shows theatrical previews. But in her complaint she asserts personal retention of contractually guaranteed artistic control over the co-authored work. This is an important factor as, under copyright law, co-authors generally reserve a co-extensive right to further exploit their work, either alone or cooperatively. Her suit further alleges that the revised, new book, completed by [Roberto Aguirre-Sacasa](#), a playwright and comic book author, infringes her rights in the original book as well as the early treatment. Taymor asserts that the book, in its current form, remains substantially her work. She further claims that contractual writer's royalties, purportedly due her since the show began its official run, have not been paid.



Taymor is still credited by the production as the original director and book co-author. This perhaps begs the question, why not simply pay her the royalties she claims she is due -- which could clear up this whole matter? Well, Taymor's complaint goes a step further. Asserting the contractual right to full artistic control of her work, she has asked the court to enter a permanent injunction barring the producers from mounting the *Spider-Man* musical in any venue other than on Broadway. Should this come to pass, the economic impact to the producers would likely be massive. Despite the problems and early crushing reviews it received, *Spider-Man: Turn Off the Dark* is now a runaway hit with the potential to generate millions of dollars in revenue in productions staged worldwide.

While the high stakes issues set forth in the early pleadings appear more directly related to contractual issues than to copyright, the intellectual property concerns may eventually take center stage. Should this dispute go to trial, it will become necessary to determine how much, if any, of Taymor's work is still contained in the musical's current book. This should prove to be an interesting analysis, as the defendants claim that Taymor's contributions are dubious and based predominantly on previous *Spider-Man* comics and films as well as on public-domain Greek mythology. That would make Taymor's alleged efforts intermediate, derivative works. The finder of fact will have to determine how much of her work was truly original in the first place before determining how much, if any, of that work still exists in the book's current version. Work perhaps best left to journalist Peter Parker than to our friendly-neighborhood Spider-Man. We'll have to wait and see.

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