



Copyright in Jokes - Lawyers Weekly Article

June 27, 2011 by Bob Tarantino

The good folks at the *Lawyers Weekly* have published a short piece of mine (in their July 1, 2011 issue) which reflects further on the topic of copyright in jokes - the [full text of the article can be accessed here](#), and the opening paragraphs are below:

What is reputedly the world's shortest joke clocks in at a mere two words: "Pretentious? Moi?"

Though jokes may seem an incongruous (even humorous) subject for intellectual property (IP) law, examining the extent to which protection is available for jokes provides an opportunity to reflect on a variety of issues relevant to copyright reform debates.

Theoretically, there is no reason that a joke cannot be protected by copyright, so long as it meets the generally applicable requirements: the expression must be original and fixed in some tangible medium. For jokes which are delivered only verbally, the lack of fixation will be a barrier to protection. The law generally shies away from according copyright protection to titles and short phrases for fear that a limited monopoly will be asserted over basic elements of expression — and for similar reasons, short jokes would be unlikely to obtain protection.

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