

# LAMP POST

## July 2011

# LEARN ABOUT MOVIE POSTERS

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**THIS WEEKEND -- July 16-17**

## Heritage Auctions 2011 July Dallas Signature Movie Poster Auction



## LIVE AUCTION Signature® Floor Sessions 1-2

(Floor, Telephone, HERITAGE Live!,™ Internet, Fax, and Mail)

Heritage Auctions, Dallas • 1st Floor Auction Room • 3500 Maple Avenue • Dallas, TX 75219

# Session 1

**Saturday, July 16 • 12:00 PM CT • Lots 83001-83260**

## Session 2

**Saturday, July 16 • 3:00 PM CT • Lots 83261- 83563**

## HERITAGE Live!,™ Internet, Fax, & Mail only Session

## Session 3

**Sunday, July 17 • 11:00 AM CT • Lots 83564-84297**



**For more information about this great auction, visit the Heritage Auctions website [HERE](#).**

## **EIGHTH CIRCUIT RULING ALLOWS DEFENDANTS TO REPRODUCE MOVIE POSTERS, LOBBY CARDS FOR *GONE WITH THE WIND* AND *THE WIZARD OF OZ***

We provided background history and Ed gave a deposition in a civil case involving the right to reproduce images from movie posters and other publicity materials released prior to 1977. The deposition and subsequent declarations focused on: (1) the process the studios used to produce their movie posters, lobby cards and other publicity materials; and (2) the bulk selling of the posters by the movie studios and/or National Screen Service notwithstanding their "return and/or destroy" notices on the materials.

After years of research, we generally concluded that the posters and other publicity items were derived from photographs taken on the set and NOT FROM THE FILM. We provided the Court with several examples of movie posters that contained characters or creatures that were NOT actually in the film. In addition, we addressed issues on how these materials were "published" -- not just rented but also sold, in bulk, and widely distributed.

We have always contended that the movie posters and other publicity materials were not covered under a film's copyright. In addition, our research found that the "return and destroy" notifications put on posters by movie studios and/or the National Screen Service did not "limit the publication" of the materials in question. Of course, these points had not been litigated ... until now.

### **DISTRICT COURT/EIGHTH CIRCUIT AGREES**

We are very happy to report that the District Court of the Eastern District of Missouri and the Eighth Circuit Court of Appeals have ruled on these issues and agree:

#### **Publicity Materials NOT Derivative**

This point was covered in the District Court and included in Footnote 7 of the 8th Circuit ruling:

Warner Bros. argued in district court that the publicity materials are protected by the film copyrights as derivative works of the films. Under the 1909 Copyright Act, what came to be known as "derivative works"... Here, it is undisputed that the publicity materials were not based on film footage used in the copyrighted films, but rather on still photographs and artists' renderings created independently from the film footage. Because they were not adapted or otherwise created from the films, the publicity materials cannot be "derivative works" of the films.

## **Publicity Materials Not Distributed as Limited Publications**

Warner Bros. concedes that the publicity materials were distributed to theaters without the statutorily required notice, but it nevertheless contends that these materials were not injected into the public domain because their distribution was a "limited publication." Warner Bros. contends that the conditions for a limited publication were satisfied for the movie posters and lobby cards for *The Wizard of Oz* and *Gone with the Wind* because those materials were not distributed directly to the general public, but rather were leased solely to theaters under an agreement (the "National Screen Agreement") that required the materials to be returned or destroyed after the theater stopped running the subject film. ...

Based on the record, any reasonable jury would have to conclude that the "return or destroy" provisions of the National Screen Agreement did not effectively preclude redistribution or sale of the images in the publicity materials made available to theaters for *The Wizard of Oz* and *Gone with the Wind*. For example, Leith Adams, Warner Bros.'s expert, conceded that theaters could "buy by the thousands" handouts and promotional flyers to pass out to the general public... No evidence suggests that theaters were expected to recover these items from the public and return or destroy them. Adams also conceded that in addition to movie posters and lobby cards for the theaters' own premises, theaters could obtain movie posters expressly constructed for posting on telephone poles throughout the theater's local area. When asked if these movie posters generally were returned or destroyed, Adams responded, "I don't think so but I don't know."

The Eighth Circuit reversed the district court's prior injunction as to one category of products - the area that we researched:

While Warner Bros. does not challenge the reproduction of movie "posters as posters (or lobby cards as lobby cards)," it does challenge the reproduction of a single image drawn from a movie poster or lobby card on T-shirts, lunch boxes, music box lids, or playing cards, for example... However, no reasonable jury could find that merely printing a public domain image on a new type of surface (such as a T-shirt or playing card), instead of the original surface (movie poster paper or lobby card paper), adds an increment of expression of the film character to the image. As a result, products that reproduce in two dimensions any one portion of an image from any one item of publicity material, without more, do not infringe Warner Bros.'s copyright.

**LAMP Members: [CLICK HERE](#)  
to see the entire document.**

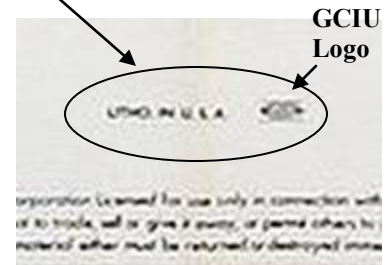


## THE MYSTERY OF THE MISSING MAD MAX R-1983 RERELEASE

For years, we have known that Mad Max was reissued in 1983, but we have never seen the R1983 one sheet (or so we thought)... We've ACTUALLY been starring at them and didn't know it.



It was brought to our attention that some *Mad Max* posters had a litho tag and logo and some didn't. Well, the logo is so tiny that you can't read it, even on the enlargements, so we never gave it any thought. Luckily one of our sponsors was comparing them and asked us about it. They sent a larger image so we could see the union logo and then confirmed the union logo on the bottom. The union logo on the bottom of SOME *Mad Max* posters is a **GCIU** union logo.



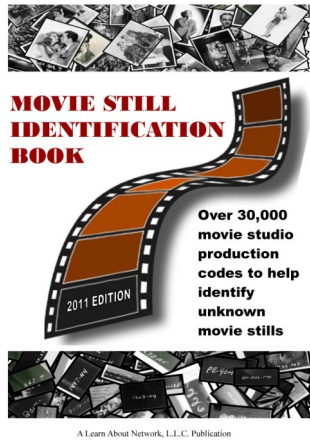
The **GCIU** was created in 1983 from the merger of the Graphic Arts International Union (GAIU) with the International Printing and Graphic Communications Union (IPGCU). Therefore, this logo did not come into existence until 1983.

Unfortunately, this situation is further confused by the fact that they kept the 1980 NSS number on the R83 reissue.

**THIS IS WHY DOCUMENTATION IS ESSENTIAL FOR PROPER AUTHENTICATION!**

!

# AROUND THE LAMP



## NOW AVAILABLE AT QUADBOD

Our friends in Europe can now acquire their copy of the ***Movie Still Identification Book*** through Quadbod. This book has become LAMP's most popular publication, used by libraries, colleges and auction houses around the world. To acquire your copy, visit Quadbod at one of their shows or contact them through their website [HERE](#).

### LAMP UPDATES

As you know, we are continually adding new material. We realize that this can sometimes get frustrating, as new material quite often also relates to changing locations of other material, but there is just TOO MUCH that needs to be documented. Here are some of the new areas for this past month:

#### In the Public Sections:

We have updated the [Top Selling Posters](#) Lists to include the last auction from Christie's and a group sent over by Morris Everett. This expands the Top Selling Posters List to over 2100 titles with information and links.

We also added a new article on [Topps mini movie posters](#) and we added a new genre sort for [Blaxploitation](#). This divides the black material into 2 divisions [Black Cast](#) and Blaxploitation.

#### In the Member Sections:

You will notice lots of new research in numerous areas such as U.S. studios and logos including Toddy and First Exhibitors and changes in the Member main area as we continue to consolidate countries and topics information and streamline it into a new presentation format on Global Cinema. We've turned on a new "[Where to Start?](#)" area which is a beginning framework and will be expanding it to include video tutorials of different sections.

We are in the process of turning on a revamped Documents Section in Global Cinema. (From the [Global](#) home page, click Special Sections: Documents - Publications) You will see the changes coming online, but please be patient. We're trying to expand the section to not only include contracts and a new try at the Legal Division, but we're also adding in areas for a new Copyright Division (for research into the old and rapidly changing new laws) and adding a new vintage magazine section where you can research through stacks of pre WWII magazines.

## WELCOME TO OUR NEWEST LAMP SPONSOR

We are very happy to announce our newest LAMP Sponsor ...



This great new website featuring vintage and rare posters has joined the LAMP family!

The purpose and main mission of this site is to offer a visual and sensorial journey as well as to celebrate the Graphic Artists and visionaries behind the art of Music, Movies and Comics Books.

If you're a fan of graphic art, be sure to check out this new site [HERE!](#)

## NEW ADDITIONS IN THE MOVIE POSTER DATA BASE

New images have been added to the following titles. Click on the title name to go to the record in the Movie Poster Data Base.

[1941](#) 1979

[\\$1,000,000 Duck](#) 1971

[Bronze Venus](#) 1943

[Harlem on the Prairie](#) 1937

[In the Hollow of Her Hands](#) 1918

[Killer's All](#) 1947

[Probation Wife](#) 1919

[Puppy Love](#) 1919

[Strangers on a Train](#) 1951

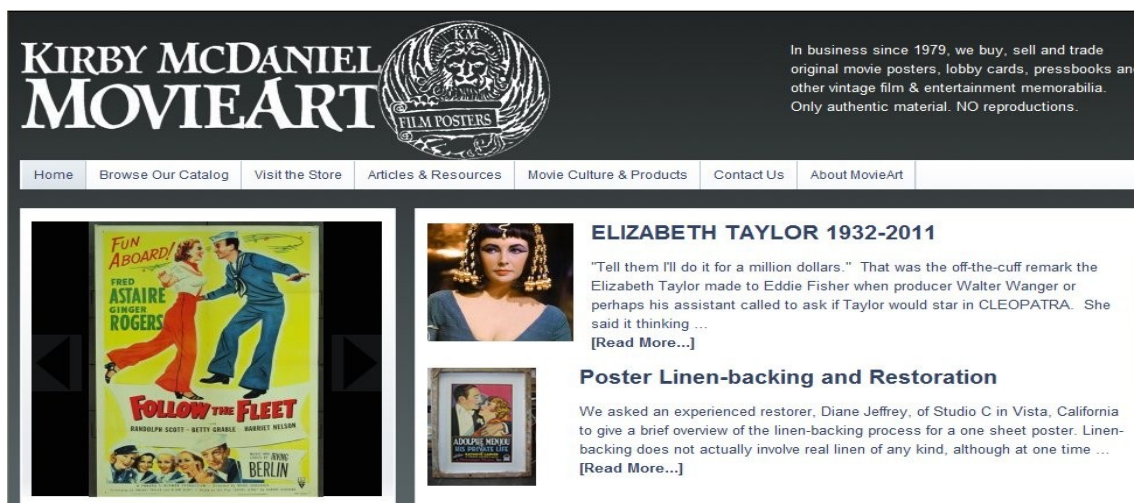
[Two Faces of Dr. Jekyll](#) 1960 ([Jekyll's Inferno](#) 1961) ([House of Fright](#) 1961)

[Way Down East](#) 1920

### [NEW ADDITIONS](#)

## MOVIE ART OF AUSTIN UNVEILS NEW WEBSITE

The MovieArt of Austin website is undergoing a complete format change. The site offers a new sleek look and features a "gallery style" format.



Be sure to check out this great new website [HERE.](#)



## LOUISIANA FILM HISTORY PRESENTATION

In conjunction with the release of our new book, ***Hollywood on the Bayou***, we have started a promotional campaign to bring attention to the rich history of filmmaking in our home state. We have planned a series of presentations, movie poster exhibits and book signings.

### Louisiana Film History



We gave our first such presentation at the Louisiana Art & Science Museum in Baton Rouge on July 3rd. The 45 minute slide show focused on the history of the cinema worldwide and in Louisiana. We were very grateful that LAMP dealer Fred Sliman and his lovely wife Barbara attended. We were very pleased with the feedback that we got from the presentation.

We are hoping that the presentations and exhibitions will: (1) educate the young and old about the colorful history of the cinema in Louisiana; (2) bring to light the need for preservation of films and the film accessories; and (3) create and cultivate an interest in movie posters and movie poster collecting.

## HOLLYWOOD ON THE BAYOU Over 1,000 Films Made in or About Louisiana



*Hollywood on the Bayou* (“HOTB”) has documented almost 1,200 films that were either produced in or set in Louisiana. These include feature length films, made-for-tv movies, documentaries and shorts.

Presented chronologically with narration about Louisiana occurrences, each film is listed by title and year, with director and miscellaneous information. An alphabetical index is also provided.

For more information or to see our current schedule, you can visit our website [www.HollywoodontheBayou.com](http://www.HollywoodontheBayou.com). Also, we have created a [Hollywood on the Bayou Facebook](#) page.

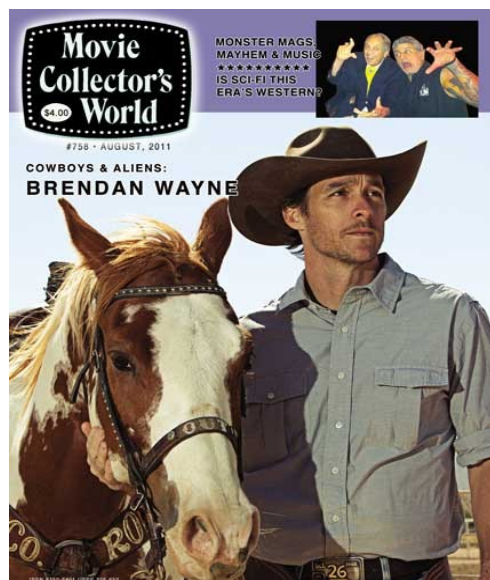
## eMoviePoster.com ANNOUNCES FALL 2011 MINI/MAJOR AUCTION

### CONSIGNMENT DEADLINE AUGUST 1st

eMoviePoster.com has announced that their next **Mini/Major Auction** will be held in two parts at the very beginning of September. This **Mini/Major Auction** will include posters from all countries, both linenbacked and non-backed!

They are completely open to including special sections of other sizes (as in their just concluded Summer auction where there were collections of choice lobby cards, folded one-sheets, and more).

If **YOU** have items you would like considered for inclusion in this special auction, [e-mail](mailto:phillip@emovieposter.com) Phillip soon at [phillip@emovieposter.com](mailto:phillip@emovieposter.com).



**MCW #758 – AUGUST, 2011**

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**facebook**

You can track what's happening daily on LAMP on Facebook. We will update changes on the LAMP site, additions to the Movie Poster Data Base, and post any item that we think is of interest to the community. To "LIKE" LAMP, click [HERE](#).

**That's all for this month. If anyone has any movie poster news or announcements, suggestion or comments, please let us know.**

**LearnAboutMoviePosters.com—MoviePosterDataBase.com**

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