

Athletics Inspire Creativity

ALISON HALL

Several Copyright Lore articles have discussed different aspects of copyright, choreography, and athletics. This month is huge for athletics, with the Super Bowl, the NBA all-star game, and, of course, the Winter Olympics. What can the athletes and the organizations that run these events register with the Copyright Office? According to the *Compendium of U.S. Copyright Practices*, **chapter 800**, section 805.5(B)(3), “The Office cannot register a claim to copyright in athletic activities or competitive maneuvers as such, because they do not constitute copyrightable subject matter under section 102(a)(4) of the Copyright Act.” Chapter 800 also states that football plays, slam dunking maneuvers, and skateboarding or snowboarding activities are not protected by copyright.

So while those moves cannot be registered, the commercials and video games that use them can. Just like a play that wins a game cannot be registered, but a movie about it can. Athletic events and moments have inspired many creative works submitted for copyright registration over the years.

Photographers capture athletic events and tell a story without words. One famous picture, cited by Acting Register of Copyrights **KARYN A. TEMPLE** in her 2017 World IP Day comments, showed Boston Marathon race director Jock Semple trying to physically remove Kathrine Switzer—a registered runner—from the 1967 race because he did not allow women to run in his race. Photographer Harry Trask captured the moment, and his photo still serves as an inspiration to female runners, as does Switzer’s book about the event.

Many athletic events have inspired creativity in movies in our deposits collection. *Sudden Death* took the teams that played in the 1992 NHL Stanley Cup Finals and added a fictional game seven (the Pittsburgh Penguins actually swept the Chicago Blackhawks in four games).

The writers created a storyline about kidnapping, terrorists, and explosives in Pittsburgh’s Civic Arena during the game. *Remember the Titans* took the story of integrating the T.C. Williams High School football team and turned it into a Hollywood hit, adding elements of creativity to enhance the storyline and to recreate sets from venues that no longer exist. Biopics like *Raging Bull* and *Prefontaine* re-created sporting events, such as the 1972 Munich Olympics, to tell the story of featured athletes.

Sports movie soundtracks are registered for copyright protection and sometimes take on a life of their own separate from the movie. “Gonna Fly Now,” the theme from the movie *Rocky*, was composed by Bill Conti with lyrics by Carol Connors and Ayn Robbins. It became a stadium anthem, as did *Rocky III*’s “Eye of the Tiger,” recorded by Survivor and written by band members Frankie Sullivan and Jim Peterik, and *Rocky IV*’s “Living In America,” recorded by James Brown and written by Dan Hartman and Charlie Midnight. The famous *Rocky IV* Siberian training montage is set to the song

Race director Jock Semple trying to physically remove registered runner Kathrine Switzer from the Boston Marathon in 1967.

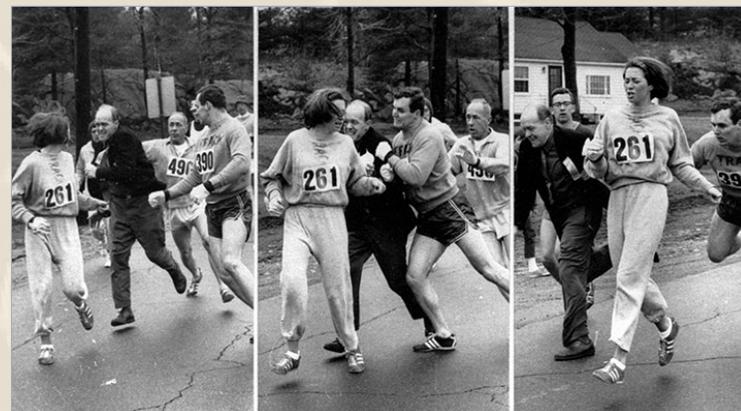


PHOTO: BOSTON HERALD

“Hearts on Fire” recorded by John Cafferty and written by Vince DiCola, Ed Fruge, and Joe Esposito. Of course the athletic moves in the montage are not registered, but the video, script, and song are.

Championship trophy designs are often registered with the Office, including several different Olympic medals. The Ironman triathlon trophy by John F. Collins holds copyright registration as a sculptural work. The Fédération Internationale de Football Association (FIFA) holds art and sculpture copyright registrations for the World Cup

trophy, and Matthew T. Scharle registered his design illustration of the Nascar Nextel Cup Series trophy. The National Football League (NFL) holds the registration on the Vince Lombardi Trophy, designed and created by Tiffany & Company. The NFL also has registered many of its teams’ helmets as sculptural works.

All of these examples of works were inspired by athletic performances. These works let us, to paraphrase Coach Yoast in *Remember the Titans*, “remember, forever, the night they played the Titans.” ©