



**Forum: HM General Chit Chat**

**Topic: Are Minor Characters/Ideas Free to Grab?**

**Subject: Re: Are Minor Characters/Ideas Free to Grab?**

Posted by: pijon

Posted on: 2018/5/19 9:45:53

Quote:

OzZy wrote:

What we do, and a LOT of professional artist do too, when taking commission work with some known character is not the same thing. We (and any artist I see posting commissioned works) NEVER CLAIM that said character to be ours.

Wait, I thought you said stealing OR BORROWING when you asked your question. Is there a misunderstanding between us as to how we define these terms? I mention this because your reply seems to indicate you are now ONLY addressing the stealing part in how you have taken my comments into consideration and stealing and borrowing can be two very different things at times (yet very similar at other times).

What we and professional artists do when taking commissions of characters created by others is ABSOLUTELY borrowing in my view! Clearly, you should not outright steal someone else's work. Is anyone disputing that?

One of the points I'm trying to make is this is not always so simple as yes or no. These lines get blurred very easily. Plenty of my favorite comic artists have "swiped" the work of other artists when drawing their stories.

*Sometimes borrowing can be the first step to stealing.*

Look at Marvel's Daredevil. They borrowed the name from a golden age character in the public domain. Okay, that's fair usage. BUT now Marvel has staked a legal claim on the name so that if you decide to use that golden age Daredevil, you can not call him Daredevil. I am of the opinion that if you borrow something from someone and then refuse to give it back and claim it entirely as your own, it's STEALING! But all that cash fed to the courts makes Marvel legally correct.

*...and sometimes stealing become borrowing.* Let's take a look at Ralph Bakshi's Wizards. I loved that film when I first saw it. I still think it has much merit but it's quite tainted to me. You see Bakshi had been working with underground comix legend Vaughn Bode to bring Bode's Cheech Wizard, Cobalt 99 and his other characters into a big screen adaptation in much the same way as he'd done with Crumb's Fritz the Cat but when Bode died unexpectedly, Bakshi just made the most modest of changes to the characters and story while removing all credit to Bode and keeping it all for himself. To me, this crossed well over the borrow line into outright theft though Bakshi claims borrowing. What about the case of MarvelMan (later renamed MiracleMan for fears over a certain lawsuit happy company with Marvel in their name )? Now this one's got layers! So Alan Moore decides to revive what he thinks is a public domain character and brilliantly revives the obscure MarvelMan. Turn out to be hugely successful which becomes a problem because this all but forgotten character is still owned by it's creator, Mick Anglo. Now Moore does the right thing and pays him his royalties for the usage but Anglo's original character ain't so original at all. In fact, as he'd originally written it, it's a very thinly veiled rip-off of

Fawcett's Captain Marvel, right down to character personalities, story type and artwork. So does Anglo really deserve royalties? It's only Moore's treatment of the characters that adds any originality to it. Where does this land on that territory of borrowing/stealing? But wait... it's stolen from Captain Marvel, a character sued out of existence by DC Comics because DC claimed it was a rip off of Superman. Of course, DC used the opportunity to acquire the character on the cheap and then proclaim he he wasn't a rip-off of Superman! So which parts can be defined as original and which as rip-off by the time we get to Moore's MiracleMan?

So you say "business is business". It's not that simple for me. Look at the business models I've shown. Now let me show how business works: I like DW's Oni character but since he's clinging so tightly to it, I just create my own similar character. When asked, I just say "Nooo, nothing to do with his character, I was inspired by DC's Claw and Moorcock's Elric!" SO that's cool, right? I mean business is business? Not to me. Business gets it wrong a lot and can gunk up the works. DID YOU KNOW that DC and Marvel have a joint copyright on the word "Superhero" and have shut down others when using the term in their comics?!

So in closing, OF COURSE, you should never outright steal some else's work (regardless if the law approves). For me, that line where you've taken someone else's ideas and crafted them into something that is entirely yours to own is some tricky territory to navigate and I can't lay down any hard and fast rules when judging but rather need to consider them on a case by case basis.