

## Worth 1,000 Words, but to Whom?

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Last week I wrote about how fiercely protective Michael Jordan is of his image and how he voraciously pursues anyone who profits from him without his consent. While he is very visible, Jordan is certainly not alone. Many celebrities go to great lengths to control and protect their likeness.

That's why in the legal community, the selfie taken at this year's Academy Awards is the shot heard around the world.

In case you missed it, while hosting the Oscars, Ellen DeGeneres went into the crowd and asked Bradley Cooper to use her Samsung Galaxy Note 3 phone to take their picture with a group of Hollywood icons, such as Jennifer Lawrence, Meryl Streep, Jared Leto, Channing Tatum, Julia Roberts, Brad Pitt, Angelina Jolie and a photobomb by Kevin Spacey.

Ellen's goal was to beat the all-time record for retweets, which she accomplished three-fold. She also reached her second objective of crashing Twitter. Because the photo was such a phenomenon, it became the hot topic of every news outlet. The Associated Press contacted Ellen to obtain permission to use the photo, which she granted, so long as it was used for editorial purposes.

Instead of debating whether Matthew McConaughey deserved the Oscar (all right, all right, all right) or who looked the best on the red carpet, the debate around a law office's water cooler on Monday morning was about Ellen granting permission to use the picture. While her generosity should be commended, lawyers question whether the permission was Ellen's to give.

Copyright law traditionally grants the copyright to a photograph to the person who actually took the picture. Even though the camera phone was Ellen's, Bradley Cooper actually took the shot. Ellen even joked that she wished that "Bradley's arm was longer," so he could have squeezed more celebs into the photo. Therefore, because he was the "photographer," there is a strong case that Cooper owns the rights to the picture.

Other attorneys argue that because the camera was Ellen's and she staged the shot, she would share in the artistic composition of the photo, and hence, the copyright.

Conspiracy theorist attorneys claim that Samsung may actually own the copyright to the picture. As part of its advertising deal with the Academy of Motion Picture Arts and Sciences, some hypothesize that Samsung scripted the "impromptu" selfie where its new Galaxy Note 3 was prominently displayed for an in-show ad. They also theorize that Samsung may have negotiated with the Academy and Ellen for rights to the picture. This would not eliminate Cooper's rights, however, as he wasn't a party to this hypothetical contract.

Because no one is likely to argue over the ownership of the photo, the discussion is purely academic. And be thankful if no lawyers hang out by your water cooler.