Biff! Pow! Comic artists clash over copyrights

By TODD RICHMOND, Associated Press Writer – 2 hrs 48 mins ago

MADISON, Wis. – Bam! Zap! Whammo! It's a battle royale between two of the toughest heavyweights in the superhero business. The fate of the world doesn't hang in the balance, but a lot of money probably does.

Sci-fi writer Neil Gaiman and former Spider-Man artist Todd McFarlane’s attorneys have been sparring for years over Gaiman's claims to a handful of characters created for McFarlane's classic Spawn series, which features a murdered CIA agent who becomes a demon.

Now Gaiman insists McFarlane owes him for three more characters — a demon named Dark Ages Spawn and two avenging angels in thong bikinis. A federal judge in Madison has scheduled a Monday hearing to listen to both sides' arguments.

The long-running case underscores the tension among comic artists as they vie for rights to even minor characters in an industry that has grown more lucrative over the past 20 years through movies, graphic novels and international distribution.

Comic book sales totaled about $429 million last year, up from $360 million to $400 million in 1996, according to estimates by The Comics Chronicles, which compiles comic sales data. The Batman movie sequel "The Dark Knight" has grossed over $1 billion worldwide since it was released in 2008, according to Box Office Mojo.

Spawn isn't nearly as popular as Batman or Spider-Man, but the series has been fairly successful with action figures, an Emmy-winning HBO series and a 1997 movie that grossed $87 million worldwide. A sequel is in development, according to Image Comics' Web site.

Gaiman's attorneys said Gaiman plans to donate any money that comes out of the case to charity. The lawsuit for him is more about establishing clear guidelines for other comic book creators about their rights to characters, they said.

"Our view is McFarlane just took some of the characters Neil was a co-creator of and just gave them different names," said Gaiman's attorney, Allen Arntsen. "It's a matter of principle."

McFarlane's lead attorney, James Alex Grimsley, didn't return several messages seeking comment. In court filings, though, McFarlane's legal team denied Gaiman has any right to the three additional characters, arguing they're based on ideas from the Spawn universe, not other characters.

McFarlane created Spawn in 1992 for a startup comic book company, Image Comics, Gaiman and McFarlane collaborated on early Spawn stories. In 2002, Gaiman sued McFarlane in federal court, arguing he was a co-copyright owner of supporting characters Medieval Spawn, a demon similar to Spawn; Angela, a red-haired angel; and Cogliostro, a one-time Spawn ally.

A jury found in Gaiman's favor later that year. He and McFarlane have spent the past eight years figuring out how much money the three characters have generated and how much Gaiman deserves. A number has yet to emerge.
Gaiman filed a motion in March claiming the demon Dark Ages Spawn and two more angels, Tiffany and Domina, were derived from Medieval Spawn and Angela. They should be figured into the accounting, too, he argued.

Gaiman contends Medieval Spawn and Dark Ages Spawn both wear metal helmets, carry shields and help the defenseless. Tiffany, Domina and Angela, meanwhile, all have long hair and wear armored bras and thong bikinis.

"There's certainly historical examples of minor characters becoming major breadwinners," said Mark Zaid, founder and marketing director of the Comic Book Collecting Association. "Characters start off in a cameo and, to put a pun on it, spawn into something bigger. ... When you succeed, you can hit the lotto."

McFarlane's attorneys counter that while Dark Ages Spawn, Tiffany and Domina have "superficial qualities" similar to other characters, but they have unique personalities and express broad concepts in the Spawn story, including the ideas that demons walked the earth throughout time and God created an angel army to battle them.


McFarlane illustrated a number of big-time superheroes, including Batman and Spider-Man, before co-founding Image Comics. He also manufactures action figures and made headlines in 1999 when he paid $3 million for the baseball Mark McGwire hit for his then-record 70th home run in a season.

McFarlane told The Associated Press in a phone interview he thinks Gaiman is a "good man."

"We just sort of hit a crossroads in the piece of the puzzle in our relationship," he said, choosing his words carefully. "I don't begrudge anybody from taking a strong position if they think something isn't quite right. I try not to get overly worked up about it. Somebody smarter than all of us will tell us where this all will land."
there is something strange with Gaiman’s argument. what he argues is that he deserves credit and money for thonged barbarian women and a knight themed spawn.

well, can't somebody sue Gaiman for stealing that? Frazetta (god rest his soul) had been doing these things for decades before Gaiman.

to me, there isn't enough to the three characters in question for Gaiman to establish a definite claim to their ownership. They are archetypes, something any RPG player can create in no time.

McFarlane is in trouble these days, anyway. His spawn toys are dead, the comic seems to be dormant, he does a couple of toy lines (sports figures and Halo, mostly) and he hasn't worked in animation for quite some time.

a legal judgment right now may be crippling, even fatal for him.

He should have settled this years ago.

Reply

William H 12 hours ago | Report Abuse

It's pretty ironic that these characters were created under the "Image Comics" imprint, which was co-founded by Todd McFarlane with creator's rights in mind. Todd, give the man his $29.95, and call it a day. No one cares about the characters in dispute, who were little more than dynamic visuals to begin with, not fleshed out characters with blockbuster movie potential. Lets all get a grip.

Reply

Brian 12 hours ago | Report Abuse

While I respect both artists, what's right is right. I prefer Gaiman's style of writing as a fan of Sandman, and love the artwork of McFarlane. Just get a number that everybody is happy with, settle it, and move on. Almost as bad as musical types sampling previous work by artists....you know what is the right thing to do. Act like heroes you write and draw, not the villians. This shouldn't have taken this long to figure out.

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