

## The Empire Strikes Out

In a surprising loss for Lucasfilms Ltd., the U.S. media giant helmed by filmmaker George Lucas and responsible for the wildly popular Star Wars films, the British Supreme Court ruled earlier this year that a prop designer can continue making and selling replicas of the iconic Star Wars stormtrooper helmets in the United Kingdom.

Ralph McQuarrie, a conceptual science fiction artist, worked with Lucas in the mid-1970's to come up with a menacing look for the hordes of galactic warriors encased in gleaming white armor who populated many memorable scenes in the Star Wars movies. However, it was Andrew

Ainsworth, a prop maker living in England, who sculpted the final designs and brought Lucas' and McQuarrie's ideas to life. He sculpted the helmets and armor and then created vacuum form molds to produce the hundreds of helmets and assorted other parts needed for each set of armor. Now that the films have concluded, Ainsworth continues to produce the helmets for sale to fans of the franchise. Lucasfilms has tried for years to stop him.



Arguing that it held the exclusive copyrights (and thereby the right to reproduce and sell) to the stormtrooper helmet designs, Lucasfilm originally filed suit in the U.S. However, the U.S. court slacked jurisdiction over Ainsworth and the case was ultimately refiled before the British courts. U.S. and British copyright law is similar, but not identical and British copyright law now provides for a much shorter copyright enforcement period as well as a much narrower interpretation of what is considered copyrightable, particularly when it comes to movie props.

In the Lucasfilm case, the British judges ruled that while the Star Wars films are subject to copyright protection, many of the component elements, including the stormtrooper helmets, constitute mere props and, as such, are not protected under the Copyright Designs and Patents Act of 1988. Thus, using the parlance of the franchise, the rebels won, the Empire was defeated, and everyone lived happily ever after. Everyone but George Lucas anyway.