

Batman Forever: The Economics of Overlapping Rights

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Abstract : When copyrighted comic characters are also protected under trademark laws, intellectual property (IP) rights can overlap. Arguably, registering a trademark can increase transaction costs for cross-media uses of characters, or it can favor advertise across a number of sales channels. In an application to book, movie, and video game publishing industries, we thus ask how creative reuse is affected in situations of overlapping rights and whether ‘fuzzy boundaries’ of right frameworks are, in fact, enhancing or decreasing content sales. We use a major U.S. Supreme Court decision as a quasi-natural experiment to apply an IV estimation in our analysis. We find that overlapping rights frameworks negatively affect creative reuses. At large, when copyright-protected comic characters are additionally registered as U.S. trademarks, they are less often reprinted and enter fewer video game productions while generating less revenue from game sales.

Keywords : copyright, fictional characters, trademark, reuse

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