

Copyright case: Corbello v. Valli, USA

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Because the copyright owner had held the book out as nonfiction, the “asserted truths” doctrine precluded the owner from later claiming copyright protection for facts contained in it.

The members of the pop music quartet The Four Seasons and the producers of the hit musical “Jersey Boys” were entitled to post-verdict judgment as a matter of law in their favor on copyright infringement claims brought by the widow of an author who assisted Four Seasons member Tommy DeVito in writing his autobiography, “Tommy DeVito—Then and Now,” portions of which were used in the musical, the U.S. Court of Appeals in San Francisco has determined. A decision of the federal district court in Las Vegas was affirmed. The nonfiction biography was structured around historical facts and events that were not themselves copyrightable, the appellate court held. Although the copyright owner asserted during litigation that aspects of the work were actually fictional, the appellate court adopted an “asserted truths” doctrine precluding an author who holds a work out as being nonfiction from later claiming that elements of the work were invented and entitled to copyright protection. The only similarities between the autobiography and the musical consisted of historical facts, common phrases, and scenes-a-faire, or elements that were treated as facts in the autobiography and were thus unprotected by copyright (Corbello v. Valli, September 8, 2020, Berzon, M.).

Case date: 08 September 2020

Case number: No. 17-16337

Court: United States Court of Appeals, Ninth Circuit

A full summary of this case has been published on [Kluwer IP Law](#).