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# Kluwer Copyright Blog

## USA: DC Comics v. Towle, United States Court of Appeals, Ninth Circuit, 13-55484, 23 September 2015

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Tuesday, October 13th, 2015

The Batmobile, as it appeared in the Batman comic books, television series, and motion picture, was entitled to copyright protection because, as an “automotive character,” it was a sufficiently distinctive element of those works, the U.S. Court of Appeals in San Francisco has held (DC Comics v. Towle, September 23, 2015, Ikuta, S.). The Ninth Circuit affirmed a district court’s decision that the owner and operator of a custom car company that produced vehicles modeled after the Batmobile was liable for willfully infringing DC Comics’ copyright in the design. DC Comics did not transfer its underlying rights to the character when it licensed rights to produce derivative works, according to the appellate court. In addition, the court held that the custom car maker could not raise a laches defense to DC’s claims that he infringed DC’s trademarks associated with Batman and the Batmobile.

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

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