

# Kluwer Copyright Blog

## Copyright case: Nobile v. Watts, USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Wednesday, October 10th, 2018

The novel “The Light Between Oceans” and a major motion picture based on it did not infringe a complaining author’s copyright in an unproduced screenplay, the U.S. Court of Appeals in New York City has decided. The Second Circuit affirmed a district court’s determination that, as a matter of law, the novel and film were not substantially similar to the screenplay. Any similarities were unprotectable abstract ideas and stock elements that necessarily flowed from the shared concept of a grieving couple, who are unable to conceive a child, finding and caring for a motherless baby. Two instances of literal similarity between the works were de minimis and did not support the infringement claims. In addition, the defendants were entitled to an award of their attorney fees incurred in successfully defending against the claims (Nobile v. Watts, September 21, 2018, Katzmann, R.).

Case date: 21 September 2018

Case number: No. 17-3752

Court: United States Court of Appeals, Second Circuit

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

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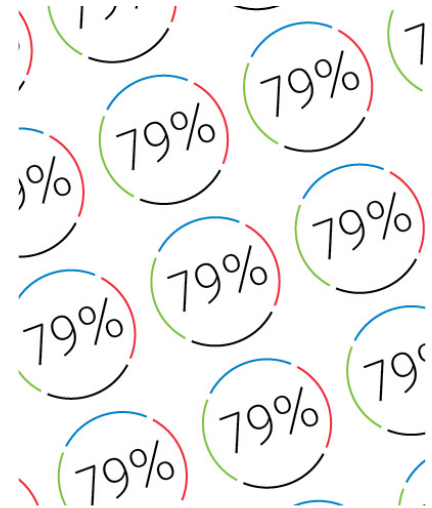
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