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# Kluwer Copyright Blog

## Copyright case: Nicassio v. Viacom International Inc., USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Tuesday, July 30th, 2019

Protected elements of illustrated children's book were not substantially similar to defendants' book and animated adaptation as a matter of law.

The U.S. Court of Appeals in Philadelphia has affirmed a district court's decision holding that an author of a children's illustrated book failed to state a copyright infringement claim against media company Viacom International, Inc., and publisher Penguin Random House LLC for copying the author's story in a book and animated adaptation that allegedly "mirrored" the author's plot about a young Christmas tree that dreamed of becoming the Rockefeller Center Christmas tree in New York City. Substantial similarities between protectable elements of the works were lacking as a matter of law. The basic plot idea shared by the parties' works was correctly deemed by the lower court to be too generic to be protectable, as well as elements that naturally flowed from that idea, the appellate court said (*Nicassio v. Viacom International, Inc.*, July 2, 2019, Cowen, R.).

Case date: 02 July 2019

Case number: No. 18-2085

Court: United States Court of Appeals, Federal Circuit

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

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