

Kluwer Copyright Blog

Copyright case: Di Angelo Publications Inc. v. Kelley, USA

Matthew Hersh (Wolters Kluwer) · Thursday, September 9th, 2021

Although the contract between a makeup artist and her publisher described the artist as the author of the book, the dispute still arose under the Copyright Act because “author” is a term defined under the Act.

The dispute between a makeup artist and her publisher over ownership of the copyright to a makeup guide raised a question of federal law and thus could be heard in federal court, the U.S. Court of Appeals for the Fifth Circuit has held. Wading into the “often-thorny” question of jurisdiction in the context of Copyright Act claims, the court held that even though the contract purported to describe the makeup artist as the “author” of the book, the question of authorship was ultimately defined by the Act—and thus the contract could not be the final word (*Di Angelo Publications, Inc. v. Kelley*, August 12, 2020, Higginbotham, P.).

Case date: 12 August 2021

Case number: No. 20-20523

Court: United States Court of Appeals, Fifth Circuit

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

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