

Wozniak v. Warner Bros Entertainment Inc.

726 F.Supp.3d 213 (S.D.N.Y. 2024)

The Firm prevailed on behalf of longtime clients Warner Bros. Entertainment Inc. (“Warner Bros.”) and DC Comics in a copyright infringement action brought by Christopher Wozniak (“Wozniak”) over Warner Bros.’ 2022 blockbuster film *The Batman*. [More](#)

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The Firm prevailed on behalf of longtime clients Warner Bros. Entertainment Inc. (“Warner Bros.”) and DC Comics in a copyright infringement action brought by Christopher Wozniak (“Wozniak”) over Warner Bros.’ 2022 blockbuster film *The Batman*. Wozniak, a former freelance artist at DC Comics in the late 1980s and early 1990s, wrote a Batman story called *The Blind Man’s Hat* aka *The Ultimate Riddle* and submitted it to DC Comics for publication in 1990, which was rejected. In a 2022 lawsuit filed in the U.S. District Court for the Southern District of New York, Wozniak alleged that *The Batman* followed his story so closely that its creation and distribution constituted copyright infringement. DC Comics, which owns all rights under copyright in the underlying Batman comics and licenses them to Warner Bros. for exploitation in film, intervened in the action and asserted its own claims of infringement against Wozniak for seeking to commercialize *The Blind Man’s Hat* through his lawsuit against Warner Bros. Following discovery, Warner Bros. and DC Comics sought summary judgment, which the Court granted. The Court’s decision held that not only did Wozniak fail to show that Warner Bros. had access to his story, but *The Batman* was not actionably similar in any event, because Wozniak could claim no rights to any elements of the Batman universe, and all that was left of his story was either dissimilar from the film or only similar at a level of abstraction common to modern films, and therefore not protectable. (The Court also noted that Warner Bros. came forward with substantial evidence of independent creation of *The Batman* through the uncontroverted testimony of its principal writer and director, but that such a finding was not necessary to its decision.) The Court further determined that *The Blind Man’s Hat* was itself an intentional copyright infringement of DC Comics’ long-protected

Batman characters and universe, finding the story to be an unauthorized derivative work and holding Wozniak liable of the very conduct he claimed against Warner Bros.