

3 Count: Fearless Girl

👤 Jonathan Bailey • March 1, 2021



Have any suggestions for the 3 Count? Let me know via Twitter [@plagiarismtoday](#).

1: Court Dismisses Wixen's Triller Lawsuit – but on Legal Technicalities

First off today, Chriss Cooke at Complete Music Update reports that a California court has dismissed a lawsuit filed by music publisher Wixen against the video sharing service Triller. However, the dismissal had nothing to do with the facts of the case, but technicalities in the original filing.

Wixen filed the lawsuit in November claiming that the app was streaming music they control without a license. Wixen, despite admitting that it doesn't have licenses for all its music, sought to dismiss the lawsuit on technical grounds noting that publication dates were absent in the original filing. That means there was no way to determine if the Copyright Act of 1909 or the Copyright Act of 1976 applied to this case.

It was that issue that did the case in... for now. The judge dismissed the case on the grounds that there was no way of knowing which law applied. However, the court gave Wixen leave to amend the case, meaning that once publication dates are added, the case can be refiled. Other than that, no arguments were discussed or weighed in the case.

2: Court Rejects Copyright Fight Over Australia's Fearless Girl Statue

Next up today, Michaela Whitbourn at The Sydney Morning Herald reports that a Australian court has rejected a copyright infringement lawsuit over the Australian version of the *Fearless Girl* statue.

The original *Fearless Girl* statue was placed in 2016 by artist Kristen Visbal to stand opposite of the Charging Bull statute in Manhattan's financial district. In March 2017, in honor of International Women's Day, the Australian firm State Street placed their own version of the statue. However, in 2019, law firm Maurice Blackburn reached a similar deal with Visbal and acquired a limited-edition reproduction for its Australian gender equality campaign.

This prompted State Street to file a lawsuit against Maurice Blackburn over alleged copyright and trademark infringement. State Street claimed that their deal gave them an exclusive license to display images of the statute with connection to gender diversity issues. However, the judge ruled that Maurice Blackburn's campaign did not infringe those rights because it did not use the image in connection with gender diversity marketing.

3: Court Rejects Matador's Bid to Copyright His 'Perfect Kill'

Finally today, Sam Jones at The Guardian reports that a Spanish matador named Miguel Ángel Perera has lost a bid to copyright protect his so-called "Perfect Kill" and ensure that bullfighting was solidified as a protectable art.

According to lawyers for Perera, if bullfighting is considered an art, then expressions of that art, including the Perfect Kill, should be protectable by copyright. However, the Spanish Supreme Court denied that saying that, though bullfighting could excite the crowd, the creativity was not fixed in a way that could be objectively identified.

The court directly contrasted bullfighting with choreography, noting that there are ways to write down and objectively identify a choreographic sequence but there is no such way for a bullfighting routine, especially considering it is an improvisational work with the bull.

The 3 Count Logo was created by [Justin Goff](#) and is licensed under a [Creative Commons Attribution License](#).