

Costume designer strikes back in Star Wars IP rights test case

LITIGATION

By Nina Goswami

LITIGATION boutique SimmonsCooperAndrew will cross light sabres with Harbottle & Lewis in a High Court battle of galactic proportions over who owns the IP rights to the stormtrooper costumes from the *Star Wars* films.

SimmonsCooperAndrew is acting for British engineer Andrew Ainsworth, who produced the stormtrooper helmets and armour for the original 1977 *Star Wars: A New Hope* film, as well as Luke Skywalker's X-Wing helmet.

Ainsworth has been sued for \$20m (£10.1m) by the multibillionaire film-maker George Lucas after he started selling replica stormtrooper helmets four years ago. The movie mogul and his company Lucasfilm claim

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that Ainsworth and his business, Shepperton Design Studios, could not reproduce the helmets as they do not hold the IP rights to the original articles.

The defendants, however, claim first that the copyright has expired, but if it has not the rights are still vested in Ainsworth as there was no written contract and he was not an employee of Lucasfilm.

Ainsworth is therefore counterclaiming that Lucas had no authorisation to make, issue, distribute and sell toys and costumes that are copies of the items in dispute. The counterclaim is worth more than the



Stormtroopers: designed in a galaxy not so far away

\$20m (£10.1m) Lucasfilm is seeking as it is claiming a cut of profits made from *Star Wars* since 1977.

Seamus Andrew, lead partner for the defendants, said the High Court case is set to be the first reported decision on the rights of an independent prop designer against a major

film production company.

"The case raises important legal issues as to the principles governing the respective rights of a contractor and client in the copyright in a work commissioned by a client," said Andrew.

The case is set down to be heard tomorrow (8 April)

and is expected to last for 10 days.

Andrew instructed lead counsel Alistair Wilson QC of Hogarth Chambers for Ainsworth. Harbottle & Lewis partner Mark Owen represents the Lucas parties, instructing Michael Bloch QC of Wilberforce Chambers as lead counsel.