

Nosferatu, Dracula, and the Law

January 1921: Prana-Film has a grand vision of the future of horror. Films they planned to create included *Hollentraume* (Dreams of Hell) and *Der Sumpfteufel* (The Devil of the Swamp).

The only titled they created, however, was *Nosferatu*.

Perhaps Albin Grau, the film's producer and a famed occultist, should not have drawn such inspiration from *Dracula*. Renaming Jonathan to Hutter, Mina to Ellen, and Dracula to Orlok does not a fair use claim make.

Perhaps Prana-Film, who never sought approval from the Stoker family, should not have stated it was "freely adapted" from Bram Stoker's *Dracula*.

Most importantly, perhaps Prana-Film should not have underestimated the fury of the still-living widow of Bram Stoker: Florence Stoker.



April 27th, 1922: Florence Stoker officially joins the British Incorporated Society of Authors, intending for the society to sue on her behalf.

February, 1925: Stoker, realizing she will not be receiving any money from this rapidly collapsing film company, argues for the destruction of all copies of *Nosferatu*—a film she has never seen.

July 20th, 1925: The owners of the assets of Prana-Films give in. Withdrawing their appeal, there is nothing to stop *Nosferatu* from being destroyed.

There is no confirmation it actually is destroyed.

October, 1925: Florence Stoker is invited to join a newly formed organization, the Film Society, dedicated to preserving and showing important films. This group included the likes of playwright G.B. Shaw and H.G. Wells. On the docket for their first screening?

Retitled "*Dracula* by F.W. Murnau", after the film's 6'4, gay director, it was *Nosferatu*.



Florence again attempted to pursue another legal battle, this time against Ivor Montagu, organizer of the film society. Montagu, a vegetarian communist who would go on to work with Alfred Hitchcock, claimed that the showing would be free, and private, on top of the fact that the film had no monetary value in London. And indeed it didn't. An importer attempted to show the film at several theaters, and censors deemed *Nosferatu* "too horrible". And so *Nosferatu* was shown, preserved, and made its way, like the vampire it was based on, around the world.

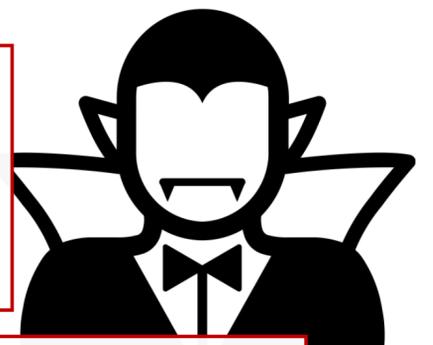


Source:

Skal, D. (1990). *The English Widow and the German Count. Hollywood Gothic: The Tangled Web of Dracula from Novel to Stage to Screen.* (pp. 77-102). New York: Norton.



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Nosferatu is in the public domain. It is for this reason that *Nosferatu* appeared in *SpongeBob SquarePants*!

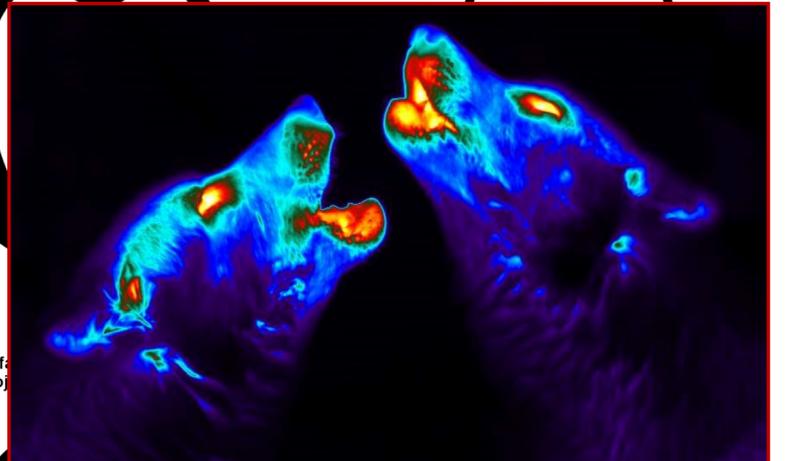


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Works that failed to comply with formalities of law:

A great example of this is *Night of the Living Dead*. The film was originally titled *Night of the Flesh Eaters*, but after court battle against representatives of the film *The Flesh Eaters*, the title was changed. Unfortunately "We had put our title copyright notice, the C with the circle around it, on the titles. We should have put the copyright notice at the end of the film, which is where it belongs."ⁱⁱⁱ This formality is no longer needed to claim a copyright on a work, and a colorized, restored version of *Night of the Living Dead* is under copyright.

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Works published before 1924^{iv}

Works published before 1924 have now entered the public domain because their copyright has expired. 2019 was the first year since 1998 for this to happen!



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ⁱU.S. Government Works. (2021). Retrieved from <https://www.usa.gov/government-works>

ⁱⁱUniversity of Illinois Main Library. (2020, Sep 24). *Copyright Reference Guide: Public Domain*. University of Illinois at Urbana-Champaign. Retrieved from: <https://guides.library.illinois.edu/copyrightreferenceguide/publicdomain>

ⁱⁱⁱKane, Joe. (2010). *Night of the Living Dead: Behind the Scenes of the Most Terrifying Zombie Movie Ever*. New York: Citadel Press Books.

^{iv}Cornell University Library Copyright Information Center. (2021). *Copyright Term and the Public Domain in the United States*. Retrieved from: <https://copyright.cornell.edu/publicdomain>

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