

Celestial beings and the copyright issue

Human beings can copyright books. Everybody knows that. However, the U.S. Court of Appeals for the Ninth Circuit recently decided whether non-humans can do so. Here's what happened.

The Urantia Book is a religious text. All rights to it belong to the Urantia Foundation. Kristen Maaherra put the book on disks, where anyone could look at it or print it out. The foundation said she infringed its copyright and sued Maaherra for damages.

Maaherra and the foundation didn't agree on much. They did agree that celestial beings, not humans, created the Urantia Book.

"Both parties," said the Ninth Circuit, "believe that the words in the Book were authored by non-human spiritual beings described in terms such as the Divine Counselor, the Chief of the Corps of Superuniverse Personalities, and the Chief of the Archangels of Nebadon."

No lawyer conceivably would advise messing around with copyrights held by celestial beings such as these. Archangels may or may not benefit from this case. The computer-programming industry, however, got a useful precedent.

EFFECTS ON PSYCHIATRY:

The celestial beings delivered teachings that finally became part of the Urantia Book to a Chicago psychiatrist more than 40 years ago. The beings spoke to the doctor through one of his patients.

The doctor formed the Contact Commission, a small group created to discuss celestial beings'

Business and Law



MARTIN PASKIND
For the Journal

teachings. Later, with a larger group called the Forum, the doctor and his followers started asking questions.

Answers to these questions became the Urantia Papers. Committee members wrote and transferred these to printing plates. They destroyed the manuscript, by then about 2,000 pages long. The doctor and his associates organized the Urantia Foundation, an Illinois charitable trust.

The foundation's purpose was to preserve and distribute the teachings of celestial beings. Foundation property consisted entirely of the printing plates.

In 1955, the foundation copyrighted the Urantia Book, and renewed the copyright in 1983.

NON-HUMAN RIGHTS:

Maaherra lives in Arizona. She read the Urantia Book, beginning in 1990. She prepared a study aid including the book's entire text, which she gave away to interested people. She also distributed the book on disk.

When the foundation learned what Maaherra was doing, it sued

her.

"A threshold issue in this case," said the Ninth Circuit, "is whether the work, because it is claimed to embody the words of celestial beings rather than human beings, is copyrightable at all."

Copyright protects original works of authorship. Original works aren't copied from other works. They have "at least some minimal degree of creativity."

Maaherra said the foundation's copyright was invalid because the Urantia Book lacked human creativity. This idea didn't work, because the court pointed out that the law doesn't require human authorship. This is great news for all the would-be writers among the animal kingdom.

NO KIDDING: Wisecracks aside, the issue has become hot during the last few years because computers generate works of authorship. These are programs, databases and other works. Computer professionals scored a win with the Urantia case.

Ninth Circuit judges declined to get involved in religious disputes. "The copyrightability issue is not a metaphysical one requiring the courts to determine whether or not the Book had celestial origins," said the court.

That, they ruled, is a matter of faith, and a "crucial element" in promoting the Urantia Book.

"For copyright purposes," they said, "a work is copyrightable if copyrightability is claimed by the first human beings who compiled, selected, coordinated and arranged the Urantia teachings."

I didn't write that sentence,

No lawyer conceivably would advise messing around with copyrights held by celestial beings. Archangels may or may not benefit from this case. The computer-programming industry, however, got a useful precedent.

judges did. Nevertheless, the result of the human work must, of course, comprise a work of authorship, not just a list or recitation of facts.

Although perhaps guided by celestial beings, members of the Contact Commission formulated the questions asked through the psychiatrist's patient.

Questions, in turn, contributed to the structure and organization of the work as a whole. Revelations given the Contact Commission were not mechanical and routine. The Urantia Book contained some degree of human creativity after all.

Similarly, human beings do the work that ultimately enables computers to create works of authorship. That is why this opinion supports copyrights for materials generated by electronic methods.

FACTS ARE FACTS:

Revelations by themselves, however, would not qualify for copyright. They are facts. Copyright protects creativity, not facts as such. The Contact Commission created the questions and the arrangement of the revelations. That is what brought

the case inside the boundaries of copyright law.

From the moment of creation, the Contact Commission owned a common-law copyright in the book. The committee validly transferred its rights to the foundation, which then obtained formal copyright by registration with the federal government.

Maaherra, the court concluded, infringed the foundation's copyright. The Ninth Circuit remanded to the federal trial court in Arizona for determination of damages.

The case is *Urantia Foundation v. Maaherra, No. 95-17093* on the docket of the U.S. Court of Appeals for the Ninth Circuit.

Martin Paskind is an Albuquerque lawyer. His practice emphasizes legal services to small businesses. Questions or comments can be mailed to him in care of the Albuquerque Journal, P.O. Drawer J, Albuquerque, N.M. 87103. This column is not intended to provide legal advice to any specific person, or with respect to any particular problems or situations. For advice on specific problems and circumstances, contact your attorney.

