

# Wonderland Echoes

## 1. Project Description

*Wonderland Echoes* is an interactive online sound installation that allows viewers to create music and soundscapes through an immersive visual and auditory experience. Inspired by Disney movies and electronic musician Pogo, which borrows sound clips from movies to produce original songs, *Wonderland Echoes* follows the same approach by appropriating the sounds and visuals of the Disney movie, *Alice in Wonderland*. This interactive installation allows the user to create unique music performances, by mapping carefully chosen sound clips from *Alice in Wonderland* to different key strokes. Each letter of the alphabet represents a different sound that is accompanied by a corresponding visual (also taken from the Disney movie), reproduced upon pressing that alphabet letter key. By mapping different sounds and visuals to each letter of the alphabet and letting the user take care of the sequence of letters to be pressed, *Wonderland Echoes* allows each instance and experience of the installation to be different and unique to the participant taking action. This allows for an infinite numbers of possible combinations and outcomes to the experience.



## 2. Estimate cost of production

Due to the electronic nature of *Wonderland Echoes*, the cost of production is minimal. The only required purchases would be a hosting server and a domain name registration. Due to the fact that I already count with a personal hosting server, I would only need to register a new domain name for this project, averaging the total cost of production to \$14.

## 3. Potential legal issues

*Wonderland Echoes* will reappropriate the sounds and visuals from the Disney movie, *Alice in Wonderland*, therefore the project risks being considered a copyright infringement and violation of The Walt Disney Company's exclusive rights.

Title 17, § 106 of the *United States Code*, specifies the exclusive rights granted to the copyright owner.

### § 106 . Exclusive rights in copyrighted works

Subject to sections 107 through 122, the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

- (1) to reproduce the copyrighted work in copies or phonorecords;
- (2) to prepare derivative works based upon the copyrighted work;
- (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;



(4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;

(5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and

(6) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

Given this statute, only The Walt Disney Company would be able to reproduce, display, perform, or create derivative works from *Alice in Wonderland*.

Considering that this project consists of creating a derivative work from *Alice in Wonderland*, that also revolves around reproducing sound recordings and motion pictures from this same work, *Wonderland Echoes* could be interpreted as a direct violation of The Walt Disney Company's exclusive copyrights. However, since the actual purpose of the copyright law is to promote the progress of science and useful arts, § 107 of the *United States Code*, sets forth a series of limitations on exclusive copyrights, under the title of Fair Use. These allow for use of copyrighted material under certain conditions.

### **§ 107 . Limitations on exclusive rights: Fair use**

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;



(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

Therefore, since *Wonderland Echoes* only uses 5 to 10 seconds of copyrighted material from the Disney Movie *Alice in Wonderland*, the amount of copyrighted material used in relation to the whole movie is practically negligible. Moreover, this project doesn't alter in any way the nature of the Disney movie, nor its market value, since it's a non-commercial endeavor. Lastly, by sampling some of the sounds from *Alice in Wonderland* and presenting them in a completely different way, unique to each viewing experience, one can consider the nature of this project as transformative.

Thereby following Title 17 of the *United States Code* along this reasoning, this project should be considered a fair use of The Walt Disney Company's copyrights.

#### 4. Court case example

It is clear that since *Wonderland Echoes* only uses 5 to 10 seconds of copyrighted material, this does not present an impact on the original copyrighted work's market value. However, in order for a work to be considered fair use, § 107 states this new work must serve a purpose of



“criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research”. I believe that this is where this project is put into more of a grey area. However, there is one court case that highlights that this might not necessarily be the case.

Cariou v. Prince, 714 F. 3d 694 - Court of Appeals, 2nd Circuit, 2013

Richard Prince altered and incorporated several of Patrick Cariou’s photographs that he had published in his *Yes Rasta* book, into a series of paintings and collages. In 2001, Cariou sued Prince for copyright infringement and was successful. However, in 2013, Prince appealed the case where it was determined that the district court had imposed an incorrect legal standard when they concluded that in order for it to be considered under fair copyright use, Prince’s work had to “comment on Cariou, on Cariou’s Photos, or on aspects of popular culture closely associated with Cariou or the Photos.” Prince’s case appeal teaches us that as long as the work is transformative, it is not necessary for a work to issue a commentary in order to qualify for fair use. As noted by the court, “We agree with Appellants that the law does not require that a secondary use comment on the original artist or work, or popular culture, and we conclude that twenty-five of Prince’s artworks do make fair use Cariou’s copyrighted photographs.”

Based on this precedent and the nature of my project, I believe that *Wonderland Echoes* rightfully qualifies as a fair use of The Walt Disney Company’s copyrighted material.

