

Sheppard Mullin Represents Atticus LLC in Win Before Second Circuit on “To Kill a Mockingbird” Rights

07.31.2025

The U.S. Second Circuit Court of Appeals sided with Sheppard Mullin client Atticus Limited Liability Company (“Atticus”) in a precedent-setting opinion that addresses the limits of an exception to copyright termination that a derivative work prepared under the authority of a grant “may continue to be utilized under the terms of the grant after its termination.” The decision allows Atticus to stage stock and amateur performances of the Aaron Sorkin version of Harper Lee’s classic novel “To Kill a Mockingbird” without infringing the rights of The Dramatic Publishing Company (“Dramatic”).

In 2022, Atticus brought a declaratory judgment action against Dramatic in New York federal court seeking a judgment that Dramatic held no exclusive stage rights in the novel following Lee’s 2011 termination of a previous grant to Dramatic in 1969. Under a later grant from Lee, Atticus’s predecessor contracted with Aaron Sorkin to write a new stage adaption of the novel that would premiere on Broadway in 2018 and on the West End in 2022, garnering nine Tony Award nominations.

The district court agreed with Atticus and rejected Dramatic’s argument that the so-called “derivative works exception” to copyright termination preserved its exclusive stock and amateur stage rights to allow it to block stock and amateur performances of the Sorkin adaptation. In affirming the lower court, the Second Circuit’s opinion addressed the limits of the derivative works exception. It further affirmed the district court’s ruling that Atticus is not bound under federal preclusion principles to a contrary arbitral award and confirmation judgment Dramatic obtained against the Lee Estate, which is currently on appeal to the Seventh Circuit. [Read the opinion here.](#)

The Sheppard Mullin team was led by partner Wook Hwang.

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