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Netflix sued by photographer Sean Heavey

When Sean Heavey saw one of his images used in hit Netflix show “Stranger Things”, as well as Netflix original film “How It Ends”, he knew he had to stand up for his rights as a creative. Last week, with the support of legal-tech service Pixsy, he filed a lawsuit to protect his copyright.

[Wednesday, September 2018, Walnut, CA] The design of a cinematic storm is at the center of a dispute between content streaming giant Netflix and Glasgow, Montana based photographer Sean R. Heavey. Sean captured an imposing storm cell photo in 2010 and dubbed it, “The Mothership.”

The Mothership appears in an episode of hit TV series Stranger Things. Sean spotted his work immediately. In episode 3 of “Beyond Stranger Things” which looks “behind the scenes” at the making of the show the artwork is clearly shown to be built, Sean argues, upon his photo.

Sean reached out to Netflix for an explanation. Jarin Jackson, attorney for Netflix, was quick to rebuff Sean's accusation of copyright infringement claiming that the Stranger Things concept art is “not virtually identical.” Jackson went on to say “The only similarity that exists between the artwork and Mr. Heavey’s photograph, The Mothership (the 'Photo'), is the use of similar cloud formations. Copyright law, however, does not protect objects as they appear in nature”.

Unhappy with Netflix’s dismissal of his claim, Sean went public with his frustration and attracted the attention of copyright protection service, Pixsy. With their support, Sean has filed a lawsuit against Netflix.

The suit does not only detail Netflix’s use of the photo in Stranger Things. Sean again spotted his storm cell in the Netflix original film, “How it Ends.” The image appears at 00.42 as a character asks, “ever seen clouds like that before?”. Sean knew that he had.

Sean tracked the storm for hours, across borders, and then used his full range of professional knowledge to take the photograph. He combined four panoramic shots to capture the cells immense scale. As well as highlighting the training, patience, and skill that goes into professional photography the lawsuit also goes on to argue that Netflix’s repeated failure to remove the infringing material or to properly compensate Sean for their use of his work has left him with no choice but to sue. As Netflix has failed to cooperate, he has had to take legal action to prevent further widespread copying of the image he worked so hard to create.

Sean is represented by Jason T Holden, Katie R Ranta as well as David C Deal who specializes in representing artists in their fight against the unauthorized use of their work. Mr. Deal has first-hand knowledge of how intimidating and frustrating it can be for a solo photographer to fight against a company the size of Netflix, especially when considering their significant resources.

When speaking to Pixsy, he said “In my experience, companies often act with little to no regard for copyright, especially in the digital age. Rather than do the work to track down the copyright holder, they simply appropriate work and build in the potential cost of compensating the author, but only if they get caught”. Commercial photographers rely on the proper licensing of their work to make a living. Specialist attorneys and services are fighting to safeguard the creative industries in the digital age. Mr. Deal added, “when a company like Netflix is so flippant about my client's concerns, a copyright suit is an appropriate method of seeking redress.”

About Pixsy:

Pixsy is the leading copyright legal-tech service for online image protection. Founded in 2014 by photographer Daniel Foster, Pixsy is an award-winning startup with over 30,000 photographers & artists in its community. Pixsy has processed over 50,000 copyright infringement cases and works with more than 26 partner law firms across the globe to bring justice for creatives.

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Sources:

Pixsy Inc: www.pixsy.com
The Law Office of David C. Deal: www.daviddeal.com