

VLP Intellectual Property Partner Scott Austin Quoted in Bloomberg Law Article “Did Melania Trump Infringe 2008 Obama Speech?”

VLP Intellectual Property Partner Scott Austin was quoted in the *Bloomberg Law* article “Did Melania Trump Infringe 2008 Obama Speech?” The article noted that, amid the debate raging over whether some of Melania Trump’s Republican National Convention speech was plagiarized from a 2008 Michelle Obama address, there’s an overlooked legal question: whether there wasn’t just copying, but copyright infringement. Aside from the plagiarism allegations, the infringement question is a much tougher one to answer.

The article reported that one of the first questions to ask would be who exactly would hold any copyright in Obama’s 2008 speech. Scott noted that a federal government employee speaking within the scope of his or her employment can’t claim copyright in a speech.

So, a court would have to decide whether Michelle Obama, as the wife of a then-senator running for president, was a government employee and whether speaking at the 2008 Democratic National Convention was part of her job duties. The same would go for any speech writers who worked on the address.

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