

# Minuteman Artist, Producers Settle Copyright Suit Over *Patriot* Costumes

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The producers of the recent Mel Gibson movie *The Patriot* have agreed to pay an undisclosed sum to settle a copyright lawsuit filed in U.S. District Court in Philadelphia by a military artist who claimed the studio stole his designs for uniforms worn by colonial "Minutemen" from his paintings.

Attorney Gavin P. Lentz of Bochetto & Lentz filed the suit on behalf of artist Don Troiani of Southbury, Conn., alleging that the film's producer, Sony Pictures Entertainment Inc., at first offered the artist a job designing the movie's costumes but balked when he insisted that he would do so only if his name appeared in the credits.

After the deal fell through, Troiani said, the studio simply used a design from one of his paintings and paid him nothing.



**LENTZ: REPRESENTED MILITARY ARTIST**

The case settled after a day-long conference on Thursday before U.S. *Patriot continues on 9*

## Patriot

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Magistrate Judge Jacob P. Hart.

Although most of the terms of the settlement are confidential, Lentz released a letter from Sony Pictures that said the studio "acknowledges with gratitude the contributions of Mr. Troiani to the making of *The Patriot*. Mr. Troiani's artwork, including the substantial historical research embodied therein, was an important source for developing the authentic costumes and uniforms featured in this period film."

According to the suit, Troiani is a "nationally known military artist and historian" whose paintings of military figures and uniforms are owned by or on display at the Smithsonian Institute, West Point Military Academy, the Pentagon and the National Park Service.

In 1990, Troiani painted "Massachusetts Minuteman," on which he placed a copyright notice and for which he registered a copyright in April 2000, according to the suit. He also says he copyrighted the work in 1998 as part of his book, "Don Troiani's Soldiers in America, 1754-1856."

Since colonial Minutemen were never issued government uniforms, the suit said, Troiani was forced to tap into his own "individual artistic view of how authentic Minutemen would have dressed during the Revolutionary War."

In Troiani's painting, the Massachusetts Minuteman wears civilian clothing consisting of a single-breasted frock coat of London brown broadcloth; a light blue, woolen waistcoat and breeches; laced half boots; and a tri-cornered, civilian cocked hat.

The movie makers "copied every detail," the suit said, "down to the buckles on the pants, vest, the pose of the soldier, weapons, hat, sleeves, buttons and all other artistic details, without authorization."

Troiani claims that in April 1999, the producers had asked him to design uniforms for various cast members, including Gibson. Although he ultimately agreed to do the costume designs and research for the film in exchange for a fee and a screen credit, Troiani said, the studio later said it would not give him any credit. As a result, Troiani said, he withdrew his offer to allow the producers to use any of his copyrighted work.

During the failed negotiations, Troiani alleged, he gave the studio a copy of his book. But despite knowing that the works were copyrighted and that Troiani had withdrawn his consent, the studio "willfully committed copyright infringement" by using Troiani's artwork for costumes in *The Patriot*, the suit alleged.

The suit said Deborah Lynn Scott received credit for designing all of the costumes in the movie, when, in fact, she was sent a copy of Troiani's book and painting.