

APPENDIX

Comic Book Legal Citation Format

Britton Payne

¹ Bill Finger & Bob Kane, *The Case of the Chemical Syndicate*, DETECTIVE COMICS 27, at 2 (DC Comics May 1939) (first appearance of Batman), *reprinted in* BATMAN ARCHIVES, VOLUME ONE 7 (Dale Crain ed., DC Comics 1990).

² Creative Contributors, *Story Title*, COMIC BOOK TITLE (VOLUME IF APPROPRIATE) [Issue Number], at [Page Number] (Publisher Cover Date Month and Year).

At present, the Blue Book does not have a specific citation format for Comic Books. As the prime source of the multi-billion dollar superhero industry, it is appropriate that they should. This appendix details the form used by the Fordham Intellectual Property, Media & Entertainment Law Journal

1. Creative Contributors

Judge Posner defines the scope of who creates comic books in *Gaiman v. McFarlane*, 360 F.3d 644 (7th Cir. 2004). This format follows his lead. “The contents of a comic book are typically the joint work of four artists—the writer, the penciler who creates the art work, the inker who makes a black and white plate of the art work, and the colorist who colorist.” *Id.* at 659. Include all four in Posner’s order—writer, penciler, inker, & colorist—separated by an ampersand, as per Rule 15.1(b), which allows you to “include all authors’ names when doing so is particularly relevant.” Many creators use nicknames or shortenings of their names. As per Rule 15.1, “always give the author’s full name as it appears on the publication.”

2. Story Title

This follows the form for a magazine in Rule 16.4, as comics are basically magazines. Many story titles (as well as other footnoting

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information) can be found in the Grand Comics Database at comics.org.

3. Comic Book Title

This also basically follows the form for a magazine in Rule 16.4. Because of design considerations, the cover may not clearly indicate the Comic Book Title. The proper title can generally be found in the indicia inside the comic book, generally at the bottom of the first page. Use the title from the indicia, even if it is not the common name of the comic book; if necessary set up a parenthetical hereinafter.

4. Volume Number

Many comic book series have run for decades, and they periodically relaunch under the same name, so it may be important to know which volume of the series the note references. The Volume Number is part of the Comic Book Title, and should be included parenthetically. If there is only one volume, do not include the Volume Number in the citation.

5. Issue Number

The Comic Book Title will be followed immediately by the Issue Number. Comic books are generally organized by issue in stores and in commerce. If someone wanted to follow up on a footnote, they would seek the comic book by issue, not by date, and the form here incorporates that reality.

6. Page Number

Comic book stories are generally paginated, but unlike magazines, the advertisement pages are generally not part of that pagination. To differentiate the Issue Number from the Page Number, separate them with a comma and “at”. Page numbers are not always available, as some source materials are extremely rare.

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7. Publisher

As with a book, the publisher should be included parenthetically. In comic book back issue stores, comic books are segregated by publisher, and sometimes even by imprint of a particular publisher.

8. Cover Date

Comic books are generally cover dated, but that date is different from the publication date. The major companies publish their comics approximately three months prior to the cover date. This is a tradition left over from an older distribution system, where comic books would be removed from the shelves when the cover date expired, so that they would seem current longer on newsstands and comic racks in general stores. The Cover Date should include month and year, to provide chronological context. As in the citation of books, there is no comma between the Publisher and the Cover Date.

9. Parenthetical Information

Parenthetical Information might include the “first appearance of” or “introducing” a new character.

10. Reprint Information

Many comic books are rare and expensive, and have been reprinted. Reprint Information should follow the original comic book citation with the signal “reprinted in” following a comma. Comic book reprinted volumes are typically books collecting several comic book issues, and should follow the Rule 15 book citation format. These compilations may collect many works, and have many more creators than a single comic book. It is acceptable to follow the Rule 15.1(b) “et al.” form, particularly because the relevant creators are fully acknowledged in the Creative Contributors part of the main cite.

11. Examples

Here are some excerpts of comic book citations from Britton Payne, *Super-Grokster: Untangling Secondary Liability*, *Comic*

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Book Heroes and the DMCA, and a Filtering Solution for Infringing Digital Creations, 17 *Fordham Intell. Prop. Media & Ent. L. J.* XX (2006).

³ See, e.g., Judd Winick, Dusting Nguyen, Richard Friend & Alex Sinclair, *As the Crow Flies Part Two: Partners in Crime*, BATMAN 627, at *City of Heroes* Advertisement (DC Comics Jun. 2004) (on sale Apr. 2004) [hereinafter *City of Heroes* Advertisement].

⁴ See Rick Dakan, Brandon Mckinney & Moose Bauman, *Undead in the Big City Part I*, CITY OF HEROES 1, at 1 (NCSoft Corporation and Cryptic Studios, Inc. Apr. 2004).

⁵ See Jerome Siegel & Joe Shuster, *Superman*, ACTION COMICS 1, at inside cover, 1 (Detective Comics, Inc. June 1938) (first appearance of Superman), *reprinted in* SUPERMAN IN ACTION COMICS ARCHIVES, VOLUME ONE 9 (Bob Kahan ed., DC Comics 1997) available at <http://superman.ws/tales2/action1/?page=0> (last visited Dec. 3, 2005) (providing image of inside cover).

⁶ See Will Eisner, *The Origin of Wonder Man*, WONDER COMICS 1, at 1 (Fox Publ'ns May 1939).

⁷ See Norton Kingsley, *The Coming of the Lynx*, MYSTERY MEN COMICS 13, at 54 (Fox Publ'ns Aug. 1940). This issue has not been reprinted, and an original print is not readily available, selling for thousands of dollars. See, e.g., William Hughes Vintage Collectibles.net, http://www.vintagecollectables.net/detail.php?issue_id=889&PHPSESSID=4a38428f03690da4565a198e7f09bb31 (last visited Dec. 3, 2005). To see an adventure of The Lynx from a subsequent issue, see Norton Kingsley, *The Rook Strikes*, MYSTERY MEN COMICS 21, at 37 (Fox Publ'ns Apr. 1941), *reprinted in* Pure Excitement Comics (Vol. 1) 42, (Bill Nolan ed., Feb. 2002), available at <http://pecomics.tripod.com/42contents.html>.

⁸ Compare Kingsley: *The Rook Strikes*, *supra* note 202 with, e.g., Bill Finger & Bob Kane, *The Case of the Chemical Syndicate*, DETECTIVE COMICS 27, at 2 (DC Comics May 1939) (first appearance of Batman), *reprinted in* BATMAN ARCHIVES, VOLUME ONE 7 (Dale Crain ed., DC Comics 1990).

⁹ Bill Parker, C. C. Beck & Pete Costanza, *Introducing Captain Marvel*, WHIZ COMICS 2, at 1 (Fawcett Publ'ns Feb. 1940) (first appearance of Captain Marvel), *reprinted in* THE SHAZAM! ARCHIVES, VOLUME ONE 19 (Bob Kahan ed., DC Comics 1992). When DC Comics leased the rights to publish Fawcett's Captain Marvel character from then-owner Charlton, Marvel Comics immediately produced its own Captain Marvel comic book starring a new space-based superhero of the same name, see Stan Lee, Roy Thomas & Gene Colan, *Out of the Holocaust . . . A Hero!*, CAPTAIN MARVEL 1, (Marvel Comics Group, May 1968), *reprinted in* Stan Lee, *et al.*, MARVEL

MASTERWORKS: CAPTAIN MARVEL (VOL. 1) (Marvel Comics 2005), to protect its trademark.

¹⁰ Compare, e.g., Jerome Siegel & Joe Shuster, *Superman*, ACTION COMICS 1, at 1 (Detective Comics, Inc. June 1938) (first appearance of Superman), *reprinted in* SUPERMAN IN ACTION COMICS ARCHIVES, VOLUME ONE 9 (Bob Kahan ed., DC Comics 1997) *with*, e.g., Parker, *supra* note 9.

¹¹ See *Atlas*, 112 F. Supp. 2d at 332. Compare, e.g., Hey SKINNY! . . . Yer Ribs are Showing!, DETECTIVE COMICS 182, at Inside Back Cover (Nat'l Comics Publ'ns Apr. 1952) *and* Charles Atlas, Our Museum, <http://charlesatlas.com/classicads2.htm> (last visited Jan. 19, 2006) *with*, Grant Morrison, Mike Dringenberg, Doug Hazlewood & Daniel Vozzo, *Musclebound*, DOOM PATROL (VOL. 3) 42, at 5 (DC Comics, Mar. 1991). See also Grant Morrison, Frank Quitely & Tom McCraw, *After the Fact, Part One: Flowery Atomic Heart*, FLEX MENTALLO 1 (DC Comics, June 1996).

¹² See *id.* Compare Len Wein, Marv Wolfman, *Who Can Defeat a God?*, SUPER ADVENTURES 7, at 7 (Marvin Wolfman 1967) *with* Marv Wolfman, John Buscema, Joe Sinnott & Michele Wolfman, *Nova*, THE MAN CALLED NOVA 1 (Marvel Comics Group Sept. 1976), *reprinted in* MARV WOLFMAN ET AL., ESSENTIAL NOVA VOLUME ONE (Marvel Comics 2006).

¹³ The early Justice League of America charter acknowledges the frequency of power replication by forbidding duplication of powers among its membership, although the initial reason for denying membership to Hawkgirl was based on a “one new member at a time” clause. See Gardner Fox, Mike Sekowsky & Bernard Sachs, *Riddle of the Runaway Room!*, JUSTICE LEAGUE OF AMERICA 31 (DC Comics, Nov. 1964), *reprinted in* GARDNER FOX ET AL., JUSTICE LEAGUE OF AMERICA ARCHIVES: VOLUME FIVE (DC Comics 1999). For readers concerned with comic book minutiae, the power duplication clause was subsequently changed under duress to allow membership to Hawkman’s identically-powered wife Hawkgirl. See Steve Englehart, Dick Dillin, Frank McLaughlin & Anthony Tollin, *Inner Mission!*, JUSTICE LEAGUE OF AMERICA 146 (DC Comics Sept. 1977).

¹⁴ See *id.* at 649; see also Todd McFarlane & Steve Oliff, *Questions*, SPAWN 1 (Image Comics May 1992) (first appearance of Spawn), *reprinted in* TODD MCFARLANE ET AL., SPAWN COLLECTION VOLUME ONE (Image Comics 2005).

¹⁵ See *id.* at 650; see also Neil Gaiman, Todd McFarlane, Steve Oliff & Reuben Rude, *Angela*, SPAWN 9 (Image Comics Mar. 1993) (first appearance of Angela, Medieval Spawn, and Cagliostro).

¹⁶ See, e.g., Joe Simon & Jack Kirby, *The Guardian*, STAR SPANGLED COMICS 7 (DC Comics Apr. 1942) (first appearance of the Guardian and the Newsboy Legion),

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reprinted in Joe Simon & Jack Kirby, *The Newsboy Legion*, *ADVENTURE COMICS DIGEST* 503, at Ch. 8 (DC Comics Sept. 1983).

¹⁷ In fact, it is somewhat of a tradition for one company to create analogues of another company's characters with the same powers but entirely new names and costumes in order to show a new take on the heroes, or how the companies' heroes might interact. *Compare, e.g.*, Gardner Fox, Mike Sekowsky & Bernard Sachs, *Starro the Conqueror!*, *THE BRAVE AND THE BOLD* 28 (DC Comics Feb.–Mar. 1960) (first appearance of the Justice League of America), *reprinted in* GARDNER FOX, ET AL., *JUSTICE LEAGUE OF AMERICA ARCHIVES: VOLUME ONE* (DC Comics 1997) *with* Roy Thomas, Sal Buscema & Sam Grainger, *When Strikes the Squadron Sinister*, *THE AVENGERS (VOL. 1)* 70 (Marvel Comics Nov. 1969) (introducing the Squadron Sinister, who later became the Squadron Supreme, *see* Roy Thomas, John Buscema & Frank Giacoia, *The World is Not For Burning*, *THE AVENGERS* 85, at 8, 11 (Marvel Comics Feb. 1971), Marvel's authoritarian take on DC Comics' Justice League of America); *compare, e.g.*, Warren Ellis, Bryan Hitch, Paul Neary & Laura Depuy, *Pay Allegiance to the Authority*, *THE AUTHORITY (VOL. 1)* 1 (Wildstorm May 1999) (first appearance of anti-hero supergroup The Authority), *reprinted in* WARREN ELLIS ET AL., *THE AUTHORITY VOL. 1: RELENTLESS* (Rachelle Brissenden & Eric DeSantis eds., Wildstorm 2000) *with* Joe Kelly, et. al., *What's So Funny About Truth, Justice & The American Way?*, *ACTION COMICS* 775 (DC Comics Mar. 2001) (showing how DC Comics' Superman dealt with analogues of Wildstorm's anti-heroes); *compare, e.g.*, Stan Lee, Jack Kirby & Dick Ayers, *The Coming of the Avengers!*, *THE AVENGERS (VOL. 1)* 1 (Marvel Comics Sept. 1963) (the first appearance of The Avengers), *reprinted in* STAN LEE ET AL., *MARVEL MASTERWORKS: THE AVENGERS (VOL. 1)* (Marvel Entertainment Group 2002) *with* Mike Friedrich, Dick Dillin & Joe Giella, *Batman—King of the World*, *JUSTICE LEAGUE OF AMERICA (VOL. 1)* 87 (DC Comics Feb. 1971) (introducing the Justifiers, an analogue of Marvel's Avengers); *compare, e.g.*, Stan Lee, Jack Kirby, George Klein & Christopher Rule, *The Fantastic Four!*, *FANTASTIC FOUR (VOL. 1)* 1 (Marvel Comics Nov. 1961) (the first appearance of the Fantastic Four), *reprinted in* STAN LEE ET AL., *FANTASTIC FOUR OMNIBUS VOLUME ONE* (Marvel Comics 2005) *and* Finger, *supra* note 8 (first appearance of the Batman) *with, e.g.*, Kurt Busiek, Brent Anderson & Steven Buccellato, *In Dreams*, *KURT BUSIEK'S ASTRO CITY (VOL. 1)* 1 (Image Comics Aug. 1995), *reprinted in* KURT BUSIEK ET AL., *Life in the Big City*, *KURT BUSIEK'S ASTRO CITY VOL. 1: LIFE IN THE BIG CITY* (Homage 1999) *and, e.g.*, Kurt Busiek, Brent Anderson, Will Blyburg & Alex Sinclair, *New Kid in Town*, *KURT BUSIEK'S ASTRO CITY (VOL. 2)* 4 (Image Comics Dec. 1996), *reprinted in* KURT BUSIEK ET AL., *KURT BUSIEK'S ASTRO CITY VOL. 2: CONFESSION* (Homage 1999) (Kurt Busiek's creator-owned First Family is his reinterpretation of Marvel's Fantastic Four, and Confessor is his take on DC Comics'

Batman). A visual illustration of this tradition, including a side-by-side comparison of the above, can be found at this note's accompanying website at <http://brittonpayne.com/Marvel.html>.

¹⁸ See Joe Simon & Jack Kirby, CAPTAIN AMERICA 1, at Cover, (Timely Comics Mar. 1941) (depicting a star-chested Captain America decking Adolf Hitler), available at The Great Comics Database, <http://comics.org/details.lasso?id=1313> (last visited Nov. 14, 2005).

¹⁹ See Fabian Nicieza, Kurt Busiek, Tom Grummett, Gary Erskine & Chris Sotomayor, *Zeroes to Heroes Part 5: Call to Battle?*, NEW THUNDERBOLTS 5, at 32 (Marvel Comics Apr. 2005); Marvel, Details of New Thunderbolts #5, <http://marvel.com/catalog/showcomic.htm?id=1643&format=comic> (last visited Jan. 26, 2006) (confirming the release date).

²⁰ Fabian Nicieza, Kurt Busiek, Tom Grummett, Gary Erskine & Chris Sotomayor, *Zeroes to Heroes Part 6: City of Heroes?*, NEW THUNDERBOLTS 6 (Marvel Comics May 2005). Subsequent republications of these issues and Marvel's official online presence have removed any mention of "City of Heroes" in the title, changing the name of the entire story arc from "Zeroes to Heroes" to the name of the original first chapter "One Step Forward," although the closing dialogue proclaiming New York as "A CITY OF HEROES" remains. See FABIAN NICIENZA ET AL., NEW THUNDERBOLTS VOL. 1: ONE STEP FORWARD (Tom Brevoort ed., Marvel Comics 2005).