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Who Owns Hannibal Lecter?

SPEAKERS

Christopher C. "Rusty" Close, Jr. | Austin Padgett

In this episode of *No Infringement Intended*, Austin Padgett and Rusty Close trace the fractured intellectual property rights behind one of Hollywood's most iconic franchises and discover how a single decision to pass on *The Silence of the Lambs* after a box office bomb set off decades of rights fragmentation across studios, production companies, and continents. They break down how a right of first refusal can be both a safety net and a missed fortune, why the bifurcation of character rights means Hannibal Lecter and Clarice Starling have belonged to different owners for decades, and what a contractual rights reversion could mean for finally reuniting the full Hannibal Lecter universe under one roof.

No Infringement Intended, hosted by Rusty Close and Austin Padgett, is your go-to podcast for exploring the fascinating intersection of intellectual property and pop culture.

Transcript

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Austin Padgett (00:13):

Come one and come all. It's time for gavels and gravy again. Welcome to *No Infringement Intended*, an intellectual property podcast of our law firm, Troutman Pepper Locke, hosted by the bad boys, the baddest boys I would say, of intellectual property: Rusty Close and me, Austin Padgett. Today, we've got an FBI intern getting career mentorship from unexpected places. We've got skin suits. We've got a franchise so iconic, its spent decades fighting off copycats, spinoffs, and courtroom battles almost as twisted as Hannibal Lecter himself. Put the lotion down, step away from the pit, and stay tuned because today it puts the IP in its basket. Rusty, I should say, and I always mean to say this, that our intros give just great space for a potential ad read-

Rusty Close (00:59):

Yeah, 100%.

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Austin Padgett (01:00):

-if we ever want to monetize the podcast, but can you imagine how many mattresses we could move after selling that sizzle?

Rusty Close (01:07):

Mattresses or what's another classic one? Security systems, that's a big one.

Austin Padgett (01:12):

Shaving kits and underwear. I feel like we should start welcoming back the multitude of listeners that we have as if they just had to listen to a set of ads. But since they didn't, now they feel like they're in the end crowd and have the added benefit of skipping ads.

Rusty Close (01:27):

Yeah, of course.

Austin Padgett (01:28):

Okay. We'll do that. Here we go. Welcome back, dear listeners. Rusty, what are we jumping into today?

Rusty Close (01:34):

Well, you always like to bring up our slogan gavels and gravy, but today I think it's just gravy and gravy.

Austin Padgett (01:40):

Ooh, okay, go on.

Rusty Close (01:41):

I'm wondering, did you ever have a phase in your life where you were consuming cooking shows? Do you do much cooking? What's your relationship with cooking entertainment or just cooking in general?

Austin Padgett (01:54):

Yeah, the cooking arts. I definitely enjoy them. Of course, building your own house is a splurge in itself, but the one area we did kind of like make the splurge was on the stove and oven-

Rusty Close (02:03):

Nice.

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Austin Padgett (02:04):

-so that we have kind of a kitchen grade thing. Now we've just got to have the skills to match, but we're all working on it.

Rusty Close (02:10):

Part of that for me came from – not to claim that I'm some great chef or anything like that, but I do have sort of a functional knowledge of cooking. I don't know, from early on, I just liked watching cooking shows. I'm talking about the shows where – not like the competition shows or anything like that.

Austin Padgett (02:29):

How early on are we talking here, Rusty?

Rusty Close (02:31):

Well, I certainly remember watching Justin Wilson, the Cajun chef on PBS way back in the day. But even in the early days of the Food Network, the Tyler Florence and Alton Brown, Bobby Flay, obviously. Alton Brown, interestingly enough, lives or at least lived, I think still lives in Marietta. Not far away from where I live at least. Then, I mean, obviously Guy Fieri, which I think you've dressed up as for Halloween several times.

Austin Padgett (03:02):

I view him as the quintessential American hero.

Rusty Close (03:06):

I thought that you did. I know you're a big bowling shirt guy. It's always been like, is he ripping off your look or is it the other way around?

Austin Padgett (03:13):

Yeah, for sure. Were you into, I remember The Galloping Gourmet back in the-

Rusty Close (03:17):

I know the name. I can't say that I've honestly watched it, but I do know of that show.

Austin Padgett (03:21):

I just remember him being on around the time Julia Childs' show was kind of … I'm sure it was replays of it. To me as a kid, that was a really boring television. I think it was on about the same time boxing was on Saturday mornings. I mean, if I'm going to watch one thing, I'm going to watch boxing.

Rusty Close (03:40):

Sure. The sweet science.

Austin Padgett (03:41):

You weren't into the competition shows. I would say that I came to cooking shows kind of later. It's not a cooking show, but early on I was definitely into Supermarket Sweep.

Rusty Close (03:50):

Oh, who wasn't? Yeah.

Austin Padgett (03:51):

Oh, dude. On Lifetime?

Rusty Close (03:52):

A great couple's Halloween costume, speaking of Halloween.

Austin Padgett (03:56):

That one set the tone for me. But I love that type of competition show. Chopped, Iron Chef, more recently Nailed It.

Rusty Close (04:06):

Yeah. I'm familiar with that.

Austin Padgett (04:07):

The Great British Bake Off.

Rusty Close (04:09):

A lot of sarcasm in the title Nailed It, I think.

Austin Padgett (04:14):

Oh yeah. I mean, we will laugh. We'll watch that as a family and just laugh hysterically.

Rusty Close (04:19):

For us, the family cooking show is the British Bake-Off or Great British Baking. That is one show that consistently

the five of us will watch the whole season. Friday night, oh, the new episodes out kind of thing.

Austin Padgett (04:33):

Oh, nice. Yeah, I love it. Yeah.

Rusty Close (04:35):

Baking is not something that I think that I'm very proficient at, but just watching those shows, you just kind of pick up on stuff. You watch enough of them. My mother-in-law asked me a lot like, "Well, where'd you learn to cook?", or "where'd you learn to do that?" I'm not sure that I learned it anywhere. It's usually just I absorbed it from watching Food Network.

Austin Padgett (04:55):

Watching television, yeah. Oh, what that says about how we grew up. I would tell you for straight cooking shows, there was kind of like a definite change in both me and the Food Network, at least from when I first saw it, probably the early '90s, to the time I was interested in it. I wasn't interested until the later '90s to around 2010 when I've left home. I've got to start doing stuff for myself and I need to learn how to do something. My mom taught me some basic kitchen stuff, but as far as all these fancy things or just Alton Brown, the way he would make it interesting.

Rusty Close (05:35):

The science.

Austin Padgett (05:36):

Yeah. It was just different than the way Julia Childs was approaching it.

Rusty Close (05:40):

For sure.

Austin Padgett (05:41):

That sort of thing. That's definitely a market difference.

Rusty Close (05:45):

I do feel like around the time, because I think Guy, he did win some sort of competition, The Next Food Network Host or something like that.

Austin Padgett (05:53):

Oh, okay.

Rusty Close (05:54):

Then his show came on, then he started doing Diners, Drive-Ins and Dives. That's less cooking and more visiting restaurants, but they're usually going to cook some stuff. It's kind of after that, that it's like, okay, is every show just a competition show now? Do we ever just kind of make some recipes kind of thing? It definitely has evolved over the years.

Austin Padgett (06:15):

As a side note, have you ever read that there's a book about the back story of the Food Network?

Rusty Close:

No.

Austin Padgett:

Oh man, I should have researched it. I think it's called From Scratch. I believe that's what it's called. There's a subtitle to it, like the Behind the Scenes at the Food Network and it talks about kind of like the early years. There is a market change where it becomes like – the CEO kind of, I think they have a new CEO at the time if I remember right – and she basically figures out that like, oh, people are interested in this stuff, but they're interested in food, not necessarily learning to cook for every show.

Rusty Close (06:49):

The cooking of it. Yeah.

Austin Padgett (06:50):

Building more of an atmosphere around food. You still have your cooking shows as kind of the staple, but then you have some big splash pieces with competition shows, or kind of like a Diners, Drive-Ins and Dives type of thing, where you're exploring America and doing other things other than just sitting around learning to cook the whole time.

Rusty Close (07:10):

Right.

Austin Padgett (07:10):

It's kind of like that book Ball Four. I don't know if you ever read that about the background of baseball. It's not as sorted as that, but there's a lot of like talk about how the personalities interact with management and all these

sorts of things. It's a good read if you ever get a chance.

Rusty Close (07:26):

I mean, early on, you can imagine that from a production standpoint, you've got one set, you've got one – let's just say talent – per show. The budgets for the shows, you would think pretty low and relatively high upside, but they're super personality driven. You can imagine they had some big thoughts on how they should be presented, how their show should be presented.

Austin Padgett (07:49):

Yeah. I won't spoil. There is kind of a story episode within the book about the near burning down of one of the sets.

Rusty Close (07:57):

Oh, nice.

Austin Padgett (07:57):

Yeah, it's a good one.

Rusty Close (07:59):

I'm going to have to check that out. Well, one person that we didn't mention yet at least is Giada De Laurentiis. Are you familiar with Giada?

Austin Padgett (08:08):

Very familiar, yes.

Rusty Close (08:09):

Yeah. Yeah.

Austin Padgett (08:10):

She has had a lot of shows on that network.

Rusty Close (08:12):

So many shows.

Austin Padgett (08:13):

She collaborates with a lot of the other chefs as well. She'll show up to Bobby Flay's shows and stuff like that.

Rusty Close (08:18):

Definitely. Well, Giada is going to be our intro into our topic of the day because her grandfather was Dino De Laurentiis, who is sort of a famous legendary film producer in the US and in Italy – started in Italy and then came to the U.S. later. I'm going to leave off the Italian films that he's sort of known for because I don't have any experience with Italian cinema. I don't know if that's a big passion for you though, so I'll leave you some space if you want to talk about it.

Austin Padgett (08:50):

Okay. We can talk about that. What would people know that he produced?

Rusty Close (08:54):

Starting in the '70s, we've got Serpico, Three Days of the Condor. Then moving into the '80s, Ragtime, Conan the Barbarian, Blue Velvet, a handful of Stephen King adaptations, Maximum Overdrive, The Dead Zone. I'm thinking of all of these kind of early to mid '80s movies.

Austin Padgett (09:13):

Blue Velvet. What a weird… I feel like kind of on cable in the '90s, I forget what channel it was, but Blue Velvet was on every morning for one summer. It was always there.

Rusty Close (09:24):

Probably USA Network or something like that.

Austin Padgett (09:26):

Something like that. Yeah.

Rusty Close (09:27):

What brings us together today – and this came up a few episodes ago – you told us about 007 and sort of the rights issues with the characters and storylines kind of getting divided among different interests. I piped up on that episode and said, I think the same thing happened in sort of the Silence of the Lambs universe where the rights got broken up among different parties. I thought for this episode we would go through that scenario and kind of reiterate some of the things we talked about in the 007 episode and just again, see how this stuff plays out in real life. The reason this is interesting and related to Giada and our cooking shows is Dino De Laurentiis acquired the rights to the first Thomas Harris novel Red Dragon. That's kind of our kickoff point here.

Austin Padgett (10:25):

Okay. So, that was the first one, the first of the novels.

Rusty Close (10:28):

Yes. Right.

Austin Padgett (10:29):

Okay.

Rusty Close (10:30):

There are four and we can go through them, but did you read any of them?

Austin Padgett (10:36):

No.

Rusty Close (10:37):

Okay.

Austin Padgett (10:38):

You told me that you were going to do something on kind of Silence of the Lambs. I went and watched, I guess, three of the films.

Rusty Close (10:44):

Oh, wow. Tell us about it.

Austin Padgett (10:45):

But I've never read the books.

Rusty Close (10:47):

I've never read a book.

Austin Padgett (10:49):

Yeah, exactly. I've never read a book. I just somehow got here. But yeah, I'm big into different types of series.

Rusty Close:

Sure.

Austin Padgett:

I did not commit anything to the Thomas Harris series.

Rusty Close (11:01):

I think that's okay. We're not going to hold that against you.

Austin Padgett:

Okay.

Rusty Close:

Which of the films did you go through?

Austin Padgett (11:05):

I watched Silence.

Rusty Close (11:07):

Okay.

Austin Padgett (11:07):

I watched Hannibal.

Rusty Close (11:08):

Okay.

Austin Padgett (11:09):

I watched Red Dragon.

Rusty Close (11:10):

Okay. All right. Those are in order in terms of release date, but as we'll talk about, they are not in order in terms of how the books were released.

Austin Padgett (11:23):

It seems that just from the films, it seemed that Red Dragon would have been first timing wise.

Rusty Close (11:29):

Yes, yes, yes. That's right. The first book, Red Dragon, 1981, again, written by Thomas Harris – this is the book that introduces the world to Hannibal Lecter, the character – the beloved character that everyone knows from this universe. In that book, in Red Dragon, Lecter is already in jail, and it was Will Graham – who is an FBI profiler – that's who put Lecter away. Now this is going to sound similar, familiar if you've also seen Silence of the Lambs. Graham needs Hannibal's help to find another serial killer.

Austin Padgett (12:12):

Okay.

Rusty Close (12:13):

You just watched the movie. Do you happen to remember the serial killer on the loose in Red Dragon?

Austin Padgett (12:20):

It is the same as in the book?

Rusty Close (12:22):

Yes.

Austin Padgett (12:23):

Okay. It's Dolarhyde.

Rusty Close (12:24):

Dolarhyde. And what was his code name? I don't know what you call it.

Austin Padgett (12:27):

The press would call him "The Tooth Fairy".

Rusty Close (12:29):

"The Tooth Fairy". Yes, exactly.

Austin Padgett (12:31):

Because he would leave a bite.

Rusty Close (12:32):

There you go. We won't get into the gory details of how he committed his crimes, but you're exactly right.

Austin Padgett (12:37):

Heavens, no. This is for the kids.

Rusty Close (12:39):

Yes, that's right. That's right. We don't have the contracts. We don't know the negotiations or exactly what happened, but at the end of the day, Giada's grandfather, Dino, he acquires the rights to Red Dragon in 1985. As best we can tell, he acquires all what we call broad, all media adaptation rights to the Red Dragon story. That includes sort of the narrative, the story itself, but also the characters that are introduced in that book. Importantly, that includes Hannibal Lecter. That's kind of the main thing that's going to drive this conversation. Will Graham, Hannibal Lecter, The Tooth Fairy, and those are the main ones we want to keep in mind. What does Dino do now that he's got these rights? Well, he produces a movie called Manhunter. Now you went back and you watched three movies from this universe. I'm guessing, did you skip Manhunter?

Austin Padgett (13:45):

Not recently, but I would tell you that – so I had some sort of book about film in high school and my best buddy's name was Gary and he worked at the local Movie Gallery. We didn't have a Blockbuster early on. We got it much later, but that was our movie rental place.

Rusty Close (14:04):

Yeah.

Austin Padgett (14:04):

They had some sort of deal where you could go and get like five movies for $5 for a week.

Rusty Close (14:09):

Not a bad weekend.

Austin Padgett (14:10):

But they had to be non-new movies. You had to go into the interior and kind of scan. I would go through that book. I go hang out with Gary for a bit at his work because nobody cares. The boss man isn't there saying, "Hey, beat it kids." I'd just go scroll through movies and then ultimately decide on five. But I'd have that book and go through

kind of like – I wanted to be a respectable cinephile or whatever.

Rusty Close (14:36):

Yeah, yeah, yeah, yeah. You've got ladies to impress at this time in your life.

Austin Padgett (14:40):

Exactly. I would tell you at some point – and I don't think Manhunter would get me there and it wasn't as far as I remember fine cinema – but I did watch Manhunter at some point in time.

Rusty Close (14:50):

So, you have seen it. Manhunter is Dino's adaptation of Red Dragon. For those who haven't seen it, I mean, would it be fair to characterize it – because this is how I remember it – it has like a real Miami Vice vibe.

Austin Padgett (15:08):

Oh yeah.

Rusty Close (15:09):

It's that kind of early, right on the cusp of mid '80s vibe of the synthesizers.

Austin Padgett (15:16):

Yeah, you got a lot of synth work.

Rusty Close (15:17):

And just the visual palette, you know?

Austin Padgett (15:19):

Yeah. Yeah. We should tell you that I know movies more because of soundtracks than the actual movies themselves. I can't tell you who did the soundtrack to this one. It is heavy. I remember it being heavy synth, lots of the Miami Vice type of colors and wear. Kind of suits, but also kind of open shirts on dudes, that kind of thing.

Rusty Close (15:38):

Yeah. It stars William Petersen. Does that name ring a bell to you at all?

Austin Padgett (15:44):

It does. Yeah. It does.

Rusty Close (15:47):

Yeah.

Austin Padgett (15:47):

For the listeners, I just whipped off my glasses. I didn't have a quippy thing to say.

Rusty Close (15:51):

This is not a visual medium, but yeah, Austin just whipped off his glasses because William Petersen was the star of CSI. I cannot imagine the amount of money he has made being involved with that show for as long as he was and all the syndication of it. He's done just fine since his Manhunter days. He was Will Graham. Brian Cox, who I think of from the HBO show, Succession, he was the Hannibal Lecter character.

Austin Padgett (16:18):

Interesting, okay.

Rusty Close (16:19):

Interestingly, a kid from my school was in this movie as well. Again, we're talking about 1986. This is like elementary school at the time. He was a member of one of the families who were victims of The Tooth Fairy.

Austin Padgett (16:33):

Wow.

Rusty Close (16:34):

I don't know if that was a traumatic experience for him or not, but as far as I know, it's his only acting credit.

Austin Padgett (16:39):

Was it a powerful performance?

Rusty Close (16:41):

I think it's just you probably blink and you miss it kind of thing.

Austin Padgett (16:44):

Gotcha. Fair enough. But he was there.

Rusty Close (16:46):

He was there. He was there. You can look him up on IMDB. This film grossed like eight and a half million dollars off of a $16 million budget. It was an absolute bomb. That's going to matter when the book, Silence of the Lambs rolls around in 1988, right?

Austin Padgett (17:04):

Okay.

Rusty Close (17:04):

Part of the rights that Dino acquired were a right of first refusal. Silence of the Lambs comes along. This is a new storyline in a lot of ways. We don't have Will Graham as the sort of main good guy protagonist. We've now got Clarice and do you want to start the impressions now? Do you want to save those for later?

Austin Padgett (17:29):

This could be a really rough episode if we – let's at least save them for later if we reveal them at all.

Rusty Close (17:33):

Okay. Yeah, because I think-

Austin Padgett (17:35):

That accent is very grating and tough.

Rusty Close (17:40):

Maybe one "Hello, Clarice", or something like that. We'll just save it.

Austin Padgett (17:44):

Oh, I was even talking about Clarice's accent.

Rusty Close (17:45):

Oh no, no. Yeah, you don't have to do her accent.

Austin Padgett (17:47):

Dr. Lecter.

Rusty Close (17:48):

That's right. Yeah. When she's talking about the lambs themselves. Yeah, we can leave that.

Austin Padgett (17:52):

Oh, man. Painful.

Rusty Close (17:54):

We still have Hannibal Lecter. He's still locked up and we still have Jack Crawford. Jack Crawford's the big boss of Will Graham in the first and Clarice in the second movie. He's the FBI Behavioral Sciences Chief, but this story in particular focuses on Clarice's pursuit of a new serial killer. Do you remember the serial killer from Silence of the Lambs?

Austin Padgett (18:20):

Yeah. Yeah. He had a well and a dog named Princess.

Rusty Close (18:23):

Princess, yeah.

Austin Padgett (18:24):

Buffalo Bill.

Rusty Close (18:25):

Buffalo Bill, Jame Gumb. Again, we'll leave a little space for you to do impressions if you'd like. It's kind of up to you.

Austin Padgett (18:33):

Hard pass on this one. Yeah.

Rusty Close (18:35):

But again, we don't have Will Graham as a character in this book. As I said, Dino has the right of first refusal to this material, but because Manhunter was such a bomb, he, for everything we know, says, "No thanks, didn't even read the book" is how the story goes. He's like, "I don't want anything to do with this." He passes on adapting this new material, but we do need to remember, he's the one who has the rights to the Hannibal Lecter

character. He does have that. Even though he's passing on this storyline and the new characters, he still has his rights to Hannibal Lecter and Will Graham and all of that. Those are retained.

Austin Padgett (19:20):

Gotcha.

Rusty Close (19:21):

The movie studio Orion, they're the ones who are going to make the movie. The story goes that Dino lent them his rights to Hannibal Lecter for free. It's fine. Make the movie, no problem. No big deal from my end. I guess technically that would probably be some sort of a sublicense. I'm sure there's some agreement somewhere where they had to put some stuff down on paper to make sure this was okay, but he's out of the picture because he saw this entire universe as being worthless.

Austin Padgett (19:56):

Oh, interesting. Right.

Rusty Close (19:57):

Big mistake in retrospect. Silence of the Lambs comes out in 1991. Jonathan Demme directs. Anthony Hopkins, legendary performance as Hannibal Lecter. Jodie Foster, she's Clarice. Scott Glenn – who you may know – he plays Jack Crawford. My father-in-law was an FBI agent, and Scott Glenn in this movie, sort of like prototypical buttoned-up, glasses, FBI agent, and really reminds me a lot of my father-in-law.

Austin Padgett (20:28):

Gotcha. Okay.

Rusty Close (20:29):

Then Ted Levine plays the aforementioned Buffalo Bill, just an unbelievably classic performance. You may remember Brooke Smith. She's Catherine Martin. She's the one who gets kidnapped and is down in the well. There's also a character named Miggs who you might remember from the movie, but we probably won't get real into.

Austin Padgett (20:49):

Yeah. Not a major character, but because it's fresh and I just watched it, he's the guy in the cell right next to Lecter.

Rusty Close (20:55):

He is indeed. Not a major character, but a memorable character.

Austin Padgett (20:58):

Yeah. I don't know that I could tell you who that… He's like a comedic bit part in Adam Sandler films.

Rusty Close (21:04):

He has been in an Adam Sandler film. Stuart Rudin is his name.

Austin Padgett (21:08):

Okay.

Rusty Close (21:09):

But yeah, he was in Little Nicky or something like that.

Austin Padgett (21:12):

He's in Little Nicky, yeah.

Rusty Close (21:13):

Much more memorable as Miggs.

Austin Padgett (21:14):

I think he shows up in other… I don't know if he's a Sandler guy in kind of that group, but I think he's in other films. I've seen him in other bit parts before.

Rusty Close (21:21):

Maybe Sandler was just a big fan of his work in Silence of the Lambs.

Austin Padgett (21:26):

That might be it. That's a real important moment.

Rusty Close (21:28):

It is. It is indeed. Encourage folks to go back and watch.

Austin Padgett (21:32):

Let me ask you this. Do you know who did the soundtrack to the film?

Rusty Close (21:35):

No, I don't.

Austin Padgett (21:36):

Howard Shore.

Rusty Close (21:36):

Okay.

Austin Padgett (21:37):

Most people would know him for the Lord of the Rings Trilogy.

Rusty Close (21:39):

Oh, okay. All right.

Austin Padgett (21:41):

The soundtracks. Huge epic sweeping soundtracks. I mean, he's done a ton of stuff, really prolific composer.

Rusty Close (21:46):

Is there like a John Williams camp and then this guy camp? Are they contemporaries battling for the crown?

Austin Padgett (21:52):

Howard Shore's, as a lot of people are, a little younger, not by much, but a little younger than John Williams. I mean, all three of the films that I mentioned that I watched have really great scores by really great, all different composers, but really great.

Rusty Close (22:04):

But all different. Interesting.

Austin Padgett (22:06):

Yeah, Red Dragon was Danny Elfman.

Rusty Close (22:07):

Oh yeah. Okay. I do know that name.

Austin Padgett (22:09):

If you know that, you kind of hear it. But anyway, yeah, keep going.

Rusty Close (22:12):

No, it was a good diversion. Silence of the Lambs goes on to sweep the five major categories at the Academy Awards. Picture, Director, Actor, Actress, Screenplay. It's only the third time that it's happened. Do you happen to know the other two? You're the trivia guy. I know you were Seven Wonders of the World, but I didn't know if Academy Awards fell under your purview.

Austin Padgett (22:35):

That would come up at a trivia night.

Rusty Close (22:37):

For sure.

Austin Padgett (22:38):

Silence is one I do not know.

Rusty Close (22:41):

The first was It Happened One Night, which is older than I know. I'm not familiar with that. But the other is One Flew Over the Cuckoo's Nest, which I do have some familiarity with. Jack Nicholson.

Austin Padgett (22:55):

Tough watch. Yeah, for sure.

Rusty Close (22:57):

Yeah. Yeah, that's right. Maybe if you're going to win all five, it's going to have to be a tough watch kind of thing.

Austin Padgett (23:04):

No doubt. Yeah. Sandler doesn't get these credits that he deserves.

Rusty Close (23:07):

No, not at all. Another kind of interesting fact, Hopkins – I don't know why we can't pin down the number of minutes of screen time, but it's somewhere between 16 and 24 minutes, which is sort of cited as one of the shortest lead performances for someone who won Best Actor.

Austin Padgett (23:28):

It might be because at one point in time, he is disguised. He's wearing a mask.

Rusty Close (23:32):

True. Yeah.

Austin Padgett (23:33):

There might be some question as to whether that counts or not.

Rusty Close (23:36):

A mask is an interesting way to put it.

Austin Padgett (23:38):

That's right. Yes.

Rusty Close (23:40):

$19 million budget grosses $272 million, becomes the source of a million inappropriate jokes and impressions.

Austin Padgett (23:50):

Fair enough.

Rusty Close (23:52):

It also includes a memorable scene. We mentioned Catherine Martin earlier, memorable scene that has a song from one of our favorite artists. Do you remember?

Austin Padgett (24:03):

Yes, because this struck me when I rewatched. I had totally forgotten about this scene.

Rusty Close (24:09):

Really?

Austin Padgett (24:10):

But it stands out so well from the film. I would say mainly because this song stands in direct contrast to the rest of the soundtrack and everything. It's Tom Petty's American Girl.

Rusty Close (24:21):

It's an outlier for sure. Yeah.

Austin Padgett (24:23):

As she's driving around, kind of really getting into the song, feeling it.

Rusty Close (24:27):

Yeah, it's Tom Petty's American Girl. It's kind of like, you're right, it's sort of a perfect contrast to everything else that's going on in the movie.

Austin Padgett (24:34):

Yeah, for sure.

Rusty Close (24:35):

Now Dino's going to have to probably rethink his view on the value of his rights in the Red Dragon Universe and Hannibal Lecter, right? He passed on this. Again, Orion owns the rights to Silence of the Lambs story and any characters that were introduced for the first time in that book. Clarice, importantly, Buffalo Bill, Catherine Martin, so on and so forth, but not Hannibal Lecter, not Will Graham, not the ones that came up for the first time in Red Dragon. This is where things start to get complicated and we get into, like we discussed in 007, the bifurcation of character rights. Can you give us, including the listeners, a little refresh on what we mean when we say bifurcation of character rights?

Austin Padgett (25:32):

Yeah. This concept comes up quite a bit in our discussions. I mean, our very first episode we're talking about the difference between the copyright and the underlying composition and the copyright in the recorded song. Let's go back to cooking shows. You could have the recipe and then you have the dish itself. The idea is that owning a character doesn't mean that you own every version of that character. That each film in this instance is going to create its own copyrightable expression of the underlying property, which is kind of the character concept, maybe distinct lines, maybe appearances that are written in the book and things like that. Those rights can and actually do travel in completely different directions simultaneously sometimes. You've got the character itself – it sounds like Hannibal Lecter belongs to Dino, or at least the rights in that character. The specific expression that happens

in Silence of the Lambs, that belongs to Orion. You've got the same character, two separate ownerships running in parallel, basically.

Rusty Close (26:43):

That's the gist of it. Where this comes up is like, well, what if we want to do future projects in this universe? That's where the issue really starts to play itself out. Like you said, Dino, most importantly, he's got the rights to Hannibal. Orion, they own the rights to Clarice, Buffalo Bill. Then we've got these other players that kind of show up in each of the stories but originally showed up in Red Dragon. Again, Will Graham, Jack Crawford, Tooth Fairy. There's a reporter named Freddie Lounds. Anything you remember about him from the Red Dragon movie?

Austin Padgett (27:20):

No, I don't. No.

Rusty Close (27:21):

Or who played him? That's Philip Seymour Hoffman's character.

Austin Padgett (27:24):

Okay. Yeah. Gotcha.

Rusty Close (27:25):

Okay. Yeah. He comes to a sort of a tragic ending for folks who have watched the movie. Thomas Harris, the author, he's also going to own some rights, okay? The chronology of the books is Red Dragon, Silence of the Lambs, then Hannibal, which comes out in 1999. That is a sequel. I mean, it is truly a sequel. It is following Hannibal Lecter. He's now in Europe and sort of living as a fancy rich guy. It's kind of what happens after Silence of the Lambs. Then there's Hannibal Rising, which comes out in 2006, but it is Hannibal's origin story. Now we're jumping back in time before Red Dragon. Harris himself owns the rights to all the characters that show up in those books for the first time.

Austin Padgett (28:16):

Wow. Yeah. Lots of rights.

Rusty Close (28:19):

Lots of rights going around. Dino is rethinking his position on this universe and when-

Austin Padgett (28:26):

Oh, I bet he is.

Rusty Close (28:27):

Yeah. He's really bummed out, I'm sure, but I think he's going to make out okay. When the third novel comes out, that's Hannibal, he quickly exercises his right of first refusal. He pays up to the tune of $10 million for the rights to that subject matter. 10 million bucks. Now, part of the issue there though is Clarice is a character in that story. Orion owns those rights. Dino wants to make the movie Hannibal, but if he wants to make it, have it be true to the book, he needs buy-in from Orion. At this point, it's actually MGM because there's been an acquisition, but that's what he needs is some cooperation from them. Now, this is a situation where we're coming off this hugely successful movie. Everybody is incentivized to work together and they do get together. MGM and Dino's production company are co-producers on the film and we get the movie Hannibal.

Rusty Close (29:34):

This is the one where again, Hannibal Lecter's in Europe. Anthony Hopkins joins up again. Jodie Foster does not join up. Do you remember who plays Clarice in the Hannibal movie?

Austin Padgett (29:46):

In Hannibal?

Rusty Close (29:47):

Yeah. Julianne Moore.

Austin Padgett (29:50):

Julianne Moore. That's right. Yeah. She looks very similar.

Rusty Close (29:53):

Yeah, for sure. For sure. Yeah. Similar look. This movie – I told you that Silence of the Lambs made what 217 million, something like that. 272 million. Do you want to take a guess at what Hannibal makes worldwide?

Austin Padgett (30:10):

More.

Rusty Close (30:10):

It does make more. Shockingly.

Austin Padgett (30:13):

I'm going over under here. Yeah, I'm not going to-

Rusty Close (30:15):

Yeah. $350 million.

Austin Padgett (30:18):

Good grief. Okay.

Rusty Close (30:19):

Pretty crazy.

Austin Padgett (30:20):

Yeah.

Rusty Close (30:21):

I can't honestly say that I saw that movie, but as you told us, you've watched it recently.

Austin Padgett (30:27):

Yeah. Hans Zimmer does the soundtrack, so it's another great one. There's an opera scene in the film.

Rusty Close (30:35):

Okay. Makes sense. Takes place in Europe.

Austin Padgett (30:37):

Yeah, and the opera for the scene was specifically written for that scene by an Irish composer named Patrick Cassidy, who does some great work.

Rusty Close (30:44):

That is an Irish name.

Austin Padgett (30:45):

Yeah. Great composer, really great work. It's a big work, probably an oratorio, is the word for it, on the Irish potato famine. It's gorgeous, just really great work. It's fascinating to go from Hans Zimmer style soundtrack into that. I mean, it's again, kind of like Tom Petty coming in over the top. Really distinctive sound in that opera. Incredible. Highly recommend.

Rusty Close (31:10):

The movie doesn't have the legacy or the reputation and Silence of the Lambs, but it sounds like still a worthwhile watch maybe.

Austin Padgett (31:17):

Yeah. I would tell you it held up pretty well watching it. I enjoyed it. It was fine. Yeah.

Rusty Close (31:22):

Nice. All right. Good. Recommendation for the listeners, "The Infringers".

Austin Padgett (31:25):

That's right.

Rusty Close (31:26):

We've got a money-making machine on our hands. Now we're rolling. Dino, he's going to take another crack at Red Dragon and that's what ends up being the Red Dragon that you watched.

Austin Padgett (31:37):

Okay. Ed Norton.

Rusty Close (31:39):

It is essentially, "Hey, let's forget that we made Manhunter. Let's make Red Dragon and actually name it after the book and make a true remake of that movie." This is in 2002. This is the one I mentioned earlier with Philip Seymour Hoffman and that one I do remember seeing for whatever reason. I remember me and a buddy saw that one in the theater. That one didn't do quite as well. It still made $210 million worldwide.

Austin Padgett (32:08):

Wow.

Rusty Close (32:08):

Yeah. Things are going pretty good.

Austin Padgett (32:10):

Yeah. That's a good chunk of change.

Rusty Close (32:12):

Not bad at all. Not inflation adjusted. I don't know how it'd be in today's dollars. I mentioned above there's a fourth book, Hannibal Rising. That's the prequel. The story goes that, look, Dino owns the rights to Hannibal. I can do whatever I want with this character and if you don't want to write a book about his backstory, his origin story, I'll just come up with one on my own. Maybe Harris got a little pressured into writing the book, but he does go ahead and write that book. There's a movie that accompanies that as well. I definitely haven't seen that movie.

Austin Padgett (32:44):

Neither have I.

Rusty Close (32:44):

Yeah. I think that one's not the most well regarded. We kind of come to the end of the road in terms of the books and the movies. Now we got to figure out how to keep the cash cow rolling. That's when we start thinking about doing some TV shows.

Austin Padgett (32:59):

Oh, I thought we were going to go to Broadway. Okay.

Rusty Close (33:03):

Sweeney Todd, isn't that a serial killer, right? It could be that. Yeah. Maybe that's next. I don't know if we can work out these rights issues.

Austin Padgett (33:10):

Perhaps.

Rusty Close (33:11):

This is a little bit of a side note. Dino passes away in 2010 and the rights that he owns, Red Dragon Universe and the characters pass on to his widow, Martha. Martha's going to be a player in this now. And as we understand it, Martha was in talks with – Martha is Red Dragon and Hannibal, MGM is Silence of the Lambs and Clarice – and they're in talks to unite the whole thing together. But there's a French-owned production company that comes over the top. They make an offer to Martha for a better deal. They're going to give her more money, but all they can get out of that is the Red Dragon rights.

Austin Padgett (33:51):

Oh, interesting.

Rusty Close (33:52):

Okay. They're going to make a TV show and they're going to work with her, but they don't get the whole pot of rights. They just get the Red Dragon universe, but they do get Hannibal. That leads us to the Hannibal TV show.

Austin Padgett (34:06):

Yeah. As backdrop for this, I mean, this is the point in time when universe and franchise are becoming very important.

Rusty Close (34:14):

For sure. I mean, we're talking like 2010, 2011, 2012, for sure.

Austin Padgett (34:18):

Yeah. You have a lot of properties that are trying to be completionist and be able to offer fans the whole thing.

Rusty Close (34:25):

Yeah, absolutely.

Austin Padgett (34:26):

Yeah.

Rusty Close (34:27):

Did you watch the Hannibal TV show? That's the one with Mads Mikkelsen as Hannibal.

Austin Padgett (34:32):

I didn't watch an episode of it.

Rusty Close (34:34):

It ran for three seasons, 39 episodes.

Austin Padgett (34:37):

Oh, wow. Okay. I might have to go revisit this.

Rusty Close (34:39):

It's interesting. It's very, I don't know, high concept in a lot of ways, but it's a good show. I don't think we watched it all the way through, but we definitely watched for a while and Mads Mikkelsen, his take on Lecter is really interesting. But we're back in the universe of his relationship with Will Graham. The two of them are sort of like mirror images of each other. They sort of like, I don't want to say the same mindset, but that's why Will Graham was able to profile Hannibal and put him in jail. Whereas the relationship between Hannibal and Clarice is more like, he's kind of like the cat that's kind of batting the mouse around a little bit and teasing it and messing around with it. Different relationship there. They had plans to kind of run through the whole course and eventually bring in the Silence of the Lambs storyline and I suppose just work out those rights when they ever got to it, but they never made it that far. It was canceled in 2015. Then MGM says, "Okay, well we'll use our rights. We'll create our own show called Clarice." Now, can you imagine what the big problem was with the Clarice show?

Austin Padgett (35:52):

Well, my guess is because Martha went elsewhere. We've got a non-unification problem.

Rusty Close (35:59):

They got to tell a story about Clarice that doesn't mention, talk about, include, Hannibal Lecter. It kind of guts the show from the beginning and it just becomes this sort of bad guy of the week sort of procedural show. It only lasts for one season. 2021, there was a lot going on in the world. I have absolutely no recollection of this show at all.

Austin Padgett (36:22):

Yeah. I had a lot of time for TV then and I don't think I ever watched it.

Rusty Close (36:26):

Yes. Even this didn't make it onto the list.

Austin Padgett (36:29):

Right.

Rusty Close (36:29):

That kind of gets us through the television series, all of that stuff, the complications, everything that went on. Where are we today? Martha passes away. Martha is Dino's widow, just to again, she owns the right to the Red Dragon universe and Hannibal Lecter. She passes away in 2021 and this triggered a contractual rights reversion. Can you give some thought on or some context on what that type of reversion right is?

Austin Padgett (37:04):

Sure. Yeah. In its most basic form, as our listeners are well aware, something happens, a triggering event, and the rights that were licensed to someone go back to the original person who gave them away.

Rusty Close (37:19):

Yes.

Austin Padgett (37:21):

You don't often get that. It kind of depends on your negotiating leverage, but if you can get it, you want it because you don't know the exact value that you're giving away at the point in time where you're making the deal. Neither does the other person either, but if they can make a lot out of it and you gave it away for very little, it would be nice to have another bite at the apple.

Rusty Close (37:45):

Another bite at the apple. I am quite certain in this situation the De Laurentiis family did very well with the rights that they had.

Austin Padgett (37:54):

It seems like it. That 10 million seemed like a big number, but that seemed to have been well worth it.

Rusty Close (37:59):

Yeah, for sure. I mean, I can imagine 10 million was probably a drop in the bucket all things considered.

Austin Padgett (38:03):

No doubt about it.

Rusty Close (38:04):

The way this one worked was, so when the widow passes away, the Red Dragon rights revert back to the author, Thomas Harris. From everything I read and saw, it seems like there is stuff that has to happen to get the rights back to him. It wasn't as clean as just like some sort of springing mechanism where now he owns them all again. It seemed like there were some things to be worked out to make it where the rights are fully back in his possession. I don't know the details of what that would be. Is there anything you would speculate as to why that would be more complicated and not just like, "Yeah, he's got the rights back."

Austin Padgett (38:50):

No, no. I mean, I'd want to take a look at these agreements. Yeah, yeah.

Rusty Close (38:53):

There's probably something weird about, it's probably just the way the contracts were drafted, that it made it

where it's a little more complicated than, "Hey, she passed away, the rights are now his", there's some stuff to work through. But at the end of the day, Harris stands to get the rights back to Hannibal Lecter and the Red Dragon universe. That means he'll have Red Dragon, he'll have the Hannibal book, anything that was introduced there and the Hannibal Rising book, anything that was introduced there, again, that's the prequel, but now Amazon by way of MGM, by way of Orion, they're the ones that now own Silence of the Lambs' rights. So, Clarice mainly. If I'm not mistaken from the 007 episode, is it Amazon that is consolidating the Bond rights as well?

Austin Padgett (39:46):

I think that's right. Yeah.

Rusty Close (39:47):

I think that's correct. Now potentially they might be piecing together another universe of characters.

Austin Padgett (39:53):

Oh, now we can do a cross collab.

Rusty Close (39:55):

There you go.

Austin Padgett (39:56):

What an episode we could bring on that.

Rusty Close (39:58):

Bring Bond into a Hannibal Lecter story.

Austin Padgett (40:01):

Yeah, absolutely.

Rusty Close (40:03):

Ostensibly, with all of this in mind, Thomas Harris and Amazon could work together on some sort of a project, some new miniseries, whatever you might want it to be, that combines these two universes. More stories that involve Clarice and Hannibal and even Will Graham and we could just have the whole gang together.

Austin Padgett (40:25):

I love it.

Rusty Close (40:26):

Now, what Amazon and Harris wouldn't be able to do, at least in theory, is just pick back up where things left off with the Hannibal TV show because that French production company, they own certain rights in characters that they introduced into that universe. We do have this other rights holder. If the idea was, "Well, crap, let's just pick back up where we left that bad boy off. Mads Mikkelsen still wants to play Hannibal. We can now bring in Clarice", there's some challenges there because the French company has some rights. I think there is some lasting bad blood because of the way they came over the top when they were initially trying to consolidate these things.

Austin Padgett (41:13):

Oh, interesting. Okay. Yeah. That might have been the complicating factor in the reversion.

Rusty Close (41:18):

That could be.

Austin Padgett (41:19):

Thinking about is that maybe Dino/Martha/all these other … maybe there were a lot of things added. Kind of figuring out exactly what was reverted. I mean, you have the easy question of, well, whatever rights we gave them, revert back to us.

Rusty Close (41:36):

Revert back. Yeah. But it's not quite that black and white.

Austin Padgett (41:38):

Yeah, exactly. Sometimes you define the property as anything that's added to it along the way by the licensee and then it's all got to come back. You killed off their ability to access kind of their version of the property or what they created as part of it, and you want an assignment of that stuff back to you as well. I mean, you got to have some major leverage to pull a move like that, but perhaps there was some sort of complication in defining what the property was.

Rusty Close (42:04):

Let's hypothesize a little bit and say things are a little cleaner than they are in real life. Let's just say that Thomas Harris and his rights package and Amazon and their rights package could come together and say, "Let's move forward with that Hannibal TV show. We don't have to involve this French company." In theory, they could probably do that. You almost have to imagine the French company would step in and have some sort of issue with it, but they could at least tow the line and say, "Well, look, we're not using these characters that you introduced.

We're not doing any of that. What about the idea of could Mads Mikkelsen continue to portray Hannibal Lecter in the manner that he portrayed him in that show?" In other words, does that production company have any sort of claim to the way Lecter was portrayed by Mikkelsen?

Austin Padgett (42:57):

They probably have some agreements with Mikkelsen and the tank about what they own and the copyright and the performance itself. There may be a claim there of the way he portrays Lecter. The problem is that a lot of this is going to be informed by the book and kind of what we know about Lecter. Those sorts of things, I think you could argue they don't own that.

Rusty Close (43:18):

They could try to gum up the works, but at the end of the day, they probably don't have an actual claim to owning it.

Austin Padgett (43:24):

Yeah. I mean, you probably need to take some practical steps of let's dress them differently than the exact thing he was wearing, have what we have in the book and have our own take on it. It's kind of like when we do this with software agreements, like we're going to act like we don't know anything about this piece of software. You, the developers are going to sit in the white room without any access to anything and come up with, you have access to these specific things that we give you in a closed universe. It might be that sort of exercise.

Rusty Close (43:52):

It creates some interesting law school exam type questions, but without the full context of, well, what went into their agreements? The agreements are going to really color who owns what, who can do what, if he can continue playing this role in this way and all of those things. But I mean, from a, let's say again, law school exam perspective, the production company likely can't own the way in which this actor portrayed this character, probably.

Austin Padgett (44:25):

It would have to be a pretty distinctive performance.

Rusty Close (44:29):

Well, again, these are topics we discussed before in the 007 universe, but I think it's interesting to see how they play out in kind of these other familiar scenarios and think through the challenges and the way that the rights came to be in different people's hands and all of that. Is there anything we missed? Anything you'd like to add to it?

Austin Padgett (44:52):

I don’t think so. I think it’s kind of the same theme that came out in the 007 episode was that it’s pretty easy to Monday morning quarterback these things.

Rusty Close (45:00):

Always.

Austin Padgett (45:00):

But hearing the context of, “Hey, this movie bombed, I don’t know if this property… It may not have been my movie. It may have been the property itself just doesn’t resonate, so I’m going to make this decision.” It’s easy to jump and say, “What a mistake or what a goof.”

Rusty Close (45:16):

“What an idiot.”

Austin Padgett (45:17):

Yeah, exactly. But the more you hear about these things, and the longer you live, the more perspective you get on, okay, I can get how that decision was made, but how complicated it makes things kind of going forward.

Rusty Close (45:30):

Going forward, yeah, it doesn’t become a nightmare necessarily and it gives us plenty of stuff to work on. It keeps our job from being taken over by AI, but-

Austin Padgett (45:40):

So far so good.

Rusty Close (45:41):

It gives us some fun stuff to work on.

Austin Padgett (45:43):

That’s right.

Rusty Close (45:44):

Last chance for your Buffalo Bill impression or your Hannibal Lecter impression.

Austin Padgett (45:49):

We're going to save it for a future episode. I'm sure we'll revisit these guys soon.

Rusty Close (45:53):

All right. Well, take us out.

Austin Padgett (45:55):

All right. Thanks to everyone for listening. If you enjoy today's episode, hit like and subscribe. Give us that five star rating. Man, we need that Golden Globe nomination sooner rather than later. But remember, whether it's a spinoff, a prequel, or something you cooked up in a basement, there is *No Infringement Intended*.

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