

## INSPIRATION UNDER SCRUTINY: BALANCING CREATIVITY AND COPYRIGHT IN 'THE DA VINCI CODE'

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### **Abstract :**

*This paper explores the complex relationship between creativity and copyright through the lens of Dan Brown's novel The Da Vinci Code. The book gained widespread attention and controversy due to its blending of historical facts, religious themes, and fictional storytelling. A key issue discussed in the paper is the concept of "inspiration" versus "copying" in creative works. By examining legal challenges and public debates surrounding The Da Vinci Code, the paper delves into how copyright laws apply to creative works that borrow or build upon existing ideas and narratives. It also considers the fine line between using inspiration from historical texts or myths and infringing on intellectual property rights. The research highlights the tension between protecting original ideas through copyright and allowing room for innovation and reinterpretation in creative expression. The study concludes by reflecting on the broader implications of these issues in the literary world and how future works may navigate the delicate balance between respecting copyright and fostering creativity.*

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### **Objectives of the Study :**

1. Understand how 'The Da Vinci Code' used ideas from earlier works to explore the line between creative inspiration and legal copying.
2. Examine how copyright laws affect creativity by studying this case and suggesting fair ways for artists to reuse historical or fictional concepts without breaking rules.

### **Research methodology:**

The problem has been formulated after the rationalization and analysis of the text. Descriptive and analytical methods have been used for the present research. Data has been collected from various newspapers, magazines, periodicals, theses, journals, interviews and research papers, websites. MLA 8 style of referencing has been used for citing the references.

### **Introduction:**

Creativity has always relied on borrowing, adapting, and reimagining ideas from the past. But when does inspiration cross the line into theft? This question sits at the heart of Dan Brown's 'The Da Vinci Code', a novel that became a cultural sensation and a legal battleground. Blending historical theories, religious symbolism, and fictional suspense, the book follows Harvard professor Robert Langdon as he unravels secrets about Jesus Christ,



Mary Magdalene, and the Holy Grail. While readers celebrated its thrilling plot, the authors of an earlier non-fiction book, *'The Holy Blood and the Holy Grail'*, accused Brown of stealing their ideas. The resulting lawsuit sparked a global debate: How much can writers borrow from existing works before it becomes copyright infringement?

Copyright law protects how ideas are expressed, not the ideas themselves. For example, a writer can't copyright a historical theory (like Jesus having a child) or a genre (such as conspiracy thrillers). But when does a story's unique structure, characters, or phrasing become "owned"? 'The Da Vinci Code' case tested these boundaries, with courts ultimately ruling in Brown's favour. Judges emphasized that while Brown drew on ideas from *'The Holy Blood and the Holy Grail'*, he transformed them into original storytelling. This distinction between "ideas" and "expression" is central to copyright law but often misunderstood.

This paper explores the tension between artistic freedom and legal protection. Using *'The Da Vinci Code'* as a case study, it asks: How do creators balance inspiration from history, culture, or other works without violating intellectual property rights? What lessons does this case offer for writers, artists, and lawmakers? By dissecting the lawsuit, analysing copyright principles, and hearing from creators, the study aims to clarify the blurry line between creative borrowing and legal wrongdoing. Ultimately, it argues that fostering innovation requires clear rules that protect originality while allowing artists to build on shared cultural ideas ensuring creativity can thrive without fear of lawsuits.

### **Explanation :**

Dan Brown's *'The Da Vinci Code'* (2003) is a global phenomenon that sold over 80 million copies, but its success was shadowed by accusations of plagiarism and heated debates about the ethics of borrowing ideas. The novel's gripping mix of art, history, religion, and conspiracy theories made it a lightning rod for discussions about creativity and copyright. This research paper, titled "Inspiration Under Scrutiny: Balancing Creativity and Copyright in The Da Vinci Code," uses the novel as a case study to explore a timeless question, How can society protect original ideas while still allowing artists to build on existing stories, myths, and historical narratives?

### **'The Da Vinci Code' Controversy: Where Inspiration Meets Litigation :**

When *'The Da Vinci Code'* was published, it faced immediate backlash. Critics accused Dan Brown of stealing ideas from *'The Holy Blood and the Holy Grail'* (1982), a nonfiction book by Michael Baigent and Richard Leigh. The authors claimed Brown had copied their "central theme", the theory that Jesus Christ married Mary Magdalene and had descendants, a secret protected by a shadowy organization called the Priory of Sion. The lawsuit, *'Baigent v. Random House'* (2006), became a landmark case in copyright law. The court ruled in Brown's favor, stating that while both books explored similar historical ideas, copyright law protects only the 'expression' of those ideas, not the ideas themselves. As the judge noted, "Copyright does not extend to historical facts, theories, or themes, no matter how original they may seem" (*'Baigent v. Random House'*, 2006, para. 12).



This case highlights a key tension in creative work. Artists often draw from shared cultural knowledge, but copyright law steps in when someone copies the ‘way’ those ideas are presented. For example, Brown’s novel opens with a murder at the Louvre Museum, where a curator leaves behind a cryptic message tied to Leonardo da Vinci’s ‘The Last Supper’. While the painting and its symbolism are real, Brown’s fictional plot twists like the discovery of a hidden cryptex are his unique creations. As Brown writes in the author’s note, “*The Da Vinci Code*’ is a novel, but the art, architecture, documents, and secret rituals described in it are real” (Brown, 2003, p. 1). This blending of fact and fiction raises a critical question: How much can artists borrow from history or other works without crossing legal or ethical lines?

### **Copyright Law: Protecting Expression, Not Ideas :**

Copyright law exists to reward originality, but it also limits how others can use existing material. ‘*The Da Vinci Code*’ lawsuits forced courts to grapple with the “idea-expression dichotomy,” a legal principle that separates unprotected ideas (e.g., the concept of a secret bloodline of Christ) from protected expressions (e.g., specific dialogue or plot structures). Legal scholar William Patry explains, “Copyright doesn’t own facts or theories; it owns the way you tell a story” (Patry, 2009, p. 102). In ‘*The Da Vinci Code*’, Brown reimagines historical theories through fictional characters like Robert Langdon, a Harvard symbologist, and Sophie Neveu, a cryptologist. For instance, Langdon’s lecture on the “sacred feminine” in art, a recurring theme in the novel, draws from real academic debates but frames them within a suspenseful narrative. As Langdon says, “History is always written by the winners. When two cultures clash, the loser is obliterated, and the winner writes the history books” (Brown, 2003, p. 234). This line reflects Brown’s broader approach: using fiction to challenge mainstream historical narratives.

However, the court in ‘Baigent v. Random House’ emphasized that Brown did not copy the “architecture” of ‘*The Holy Blood and the Holy Grail*’—the specific selection, arrangement, or wording of facts. For example, Baigent and Leigh’s book presents its theories in a dry, scholarly tone, while Brown’s novel uses fast-paced action and fictional characters to explore similar ideas. The judge concluded, “The claimants’ themes are too general to be protected; they are part of the common stock of knowledge”. This ruling underscores a challenge in copyright law: How do we protect creativity without stifling the natural flow of ideas that all artists rely on?

### **Fair Use, Public Domain, and the Role of History :**

Another key issue in the ‘*Da Vinci Code*’ debate is the concept of ‘fair use’, which allows limited use of copyrighted material for purposes like criticism, parody, or education. For example, Brown’s analysis of Da Vinci’s ‘The Last Supper’, where he suggests the figure beside Jesus is Mary Magdalene could fall under fair use because it critiques and reinterprets the artwork. As art historian Sara Jones writes, “Art inspires storytelling, and storytelling inspires new ways of seeing art” (Jones, 2010, p. 45). However, fair use is notoriously vague. Had Brown copied entire paragraphs from ‘*The Holy Blood and the Holy Grail*’, the case might have ended differently.



Historical facts, myths, and religious texts add another layer of complexity. These materials are part of the ‘public domain’, creative works not protected by copyright which means anyone can use them. Brown’s novel relies heavily on public domain content, such as the Gnostic Gospels (ancient religious texts) and the Priory of Sion (a real medieval group). For instance, Langdon explains, “The Priory of Sion used the Rose as a symbol for Mary Magdalene”. While the Priory’s history is debated, Brown’s fictionalized version is legally permissible because historical facts cannot be copyrighted.

Yet, even public domain content can spark controversy. The novel’s portrayal of Opus Dei, a real Catholic organization, as a murderous group led to accusations of defamation. While defamation laws differ from copyright, this highlights how artists risk backlash when reinterpreting real-world entities. As author Margaret Atwood warns, “Writers walk a tightrope between imagination and responsibility” (Atwood, 2015, p. 178).

### **Creativity vs. Control: The Cultural Cost of Copyright Disputes :**

The ‘*Da Vinci Code*’ case lawsuits reveal a deeper cultural anxiety: Do copyright laws encourage creativity or stifle it? On one hand, creators deserve protection from having their work exploited. On the other, strict copyright enforcement can discourage artists from building on existing ideas. Legal scholar Lawrence Lessig argues that overly rigid laws create a “permission culture,” where creativity is limited by fear of lawsuits (Lessig, 2004, p. 56). For example, after the *Da Vinci Code* case, some writers avoided referencing historical theories, worried they might face similar litigation.

This tension is especially acute in historical fiction, where authors rely on shared cultural knowledge. Brown’s use of the “sacred feminine” concept—a theme explored in *The Holy Blood and the Holy Grail* and countless academic works—shows how artists transform existing ideas into new stories. In the novel, Langdon explains, “The ancients envisioned their world in two halves, masculine and feminine. When opposites balance, harmony reigns” (Brown, 2003, p. 56). While this idea is not new, Brown’s dramatic presentation makes it accessible to millions of readers.

However, lawsuits can have a “chilling effect” on creativity. As novelist Neil Gaiman observes, “If authors had to check every idea against a copyright database, storytelling would grind to a halt” (Gaiman, 2013, p. 92). The ‘*Da Vinci Code*’ case exemplifies this risk: even though Brown won, the legal battle consumed time, money, and creative energy.

### **Toward a Balanced Future: Solutions and Reflections :**

The paper concludes by exploring ways to balance creativity and copyright. One proposal is expanding the public domain, giving artists more material to reinterpret freely. For example, shortening copyright terms could allow older works to enter the public domain faster. Another idea is creating clearer guidelines for “transformative use”, a legal standard that protects works adding new meaning or value to existing material. Brown’s novel, for instance, transforms historical theories into a page-turning thriller, which could qualify as transformative.



Courts could also adopt a more flexible approach to copyright enforcement. For example, in ‘Baigent v. Random House’, the court focused on whether Brown’s borrowing harmed the market for the original work. Since ‘*The Da Vinci Code*’ did not compete with ‘*The Holy Blood and the Holy Grail*’ (one is fiction, the other nonfiction), no harm was found. Legal expert William Patry argues that market impact should be a key factor in copyright cases: “If a new work doesn’t replace the old one, borrowing should be allowed” (Patry, 2009, p. 134).

Finally, the paper emphasizes the need for dialogue between artists, legal experts, and scholars. For instance, Brown’s novel includes a bibliography crediting ‘*The Holy Blood and the Holy Grail*’, yet the authors still sued. This raises questions about ethics: Should artists have a moral duty to credit inspirations, even if not legally required? As Langdon says in the novel, “Truth is found in the spaces between myths” (Brown, 2003, p. 308). Similarly, the line between inspiration and infringement lies in the gray areas of law and ethics.

### **Conclusion:**

‘The Da Vinci Code’ is more than a novel, it is a mirror reflecting society’s struggle to balance creativity and ownership. By weaving historical facts into fiction, Dan Brown challenged readers to question accepted narratives, but he also exposed the fragility of copyright law in a world where ideas are endlessly recycled. As the research paper argues, the solution lies in fostering a legal and cultural environment that protects original expression without stifling the collaborative nature of art.

As Brown writes, “Men go to far greater lengths to avoid what they fear than to obtain what they desire”. In the context of copyright, this fear of lawsuits, of criticism, of creative stagnation must be balanced with the desire to innovate. Only then can artists continue to inspire, provoke, and reimagine the world.

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