

## **Analysis of the Film ‘Side by Side’ in the Context of Adaptations and Copyright Law**

The theatrical release last November of the film *Yan Yana* (hereinafter “*Side by Side*”), officially titled *The Anatomy of an Abstract Expressionist Friendship, or Side by Side*, directed by Mert Baykal and co-written by Aziz Kedi, Feyyaz Yiğit, and Mert Baykal, has led to a resurgence of debates regarding the relationship between adapted works and copyright law in Türkiye. Although the film clearly states in its opening that it is an adaptation of the 2011 film *Intouchables*, written and directed by Olivier Nakache and Éric Toledano, claims circulating particularly on social media that the work is, in layman's terms, "stolen" demonstrate that conceptual and legal uncertainties still persist. This situation necessitates a clearer definition of the boundaries of adapted works within the framework of copyright law.

The increasing prevalence of adapted works in the fields of cinema and television has heightened the significance of the concept of derivative works in terms of copyright law. In particular, the reinterpretation of internationally acclaimed works across different cultures makes these productions noteworthy subjects of study, not only aesthetically but also legally. In this context, the remake of the *Intouchables* screenplay in Türkiye through the film *Side by Side* serves as a contemporary example that highlights both the legal status of adapted works under the Law on Intellectual and Artistic Works ("LIAW") and the processes of cultural localization.

According to the concept of derivative works regulated under Article 6 of the LIAW, “*intellectual and artistic products created by utilizing another work but which are not independent relative to that work*” are considered adaptations/derivatives. The Law explicitly cites the filming of scientific and literary works, or making them suitable for filming, radio, and television broadcasting, as examples of derivative work types. Within the scope of the same article, it is stated that only adaptations that do not prejudice the rights of the original author and bear the individual characteristic of the adapter shall be considered a work. In this framework, obtaining permission from the original author is a prerequisite for utilizing a work for this purpose; furthermore, for the resulting adaptation to qualify as a work, it must be the product of a specific creative effort.

The French film *Intouchables*, released in Türkiye under the title *Can Dostum*, is widely regarded as one of the classic examples of the subgenre known in film literature as “buddy comedy.” With its dramatic structure centered on the relationship between a wealthy man who is paralyzed from the neck down and a young caregiver from a marginalized suburban background, the film places unexpected friendships at its core. As a faithful adaptation, *Side by Side* preserves the core structure of the screenplay and largely retains the same framework in terms of character functions, dramatic turning points, the transformative arc of the relationship, and the emotional tone of the narrative.

However, the element that carries *Side by Side* beyond a mere reproduction lies in the cultural localization choices made within the Turkish context. The geographical setting of the story has been adapted to the socio-cultural realities of Türkiye; the class positions of the characters, their family relations, sense of humor, and dramatic emphases have been reconstructed through cultural codes familiar to the audience in our country. For example, the passion for Western classical music associated with the character Philippe in *Intouchables* finds its

counterpart in *Side by Side* in the character Refik, portrayed by Haluk Bilginer, through his interest in Classical Turkish music. Similarly, the cultural connection that the character Driss establishes with R&B and soul music, and in this context the songs of Earth, Wind & Fire, which occupy a significant place in the film, is replaced in *Side by Side* by the Roman-style melodies associated with the character Ferruh, portrayed by Feyyaz Yiğit. Likewise, the police control sequence featured in the iconic opening scene of *Intouchables* is reworked in *Side by Side* with a similar dramatic function. While the scene in which Ferruh and Refik are stopped by the police while speeding in a luxury sports car, and Ferruh deceives the officers by claiming that they are urgently taking the paralyzed Refik to the hospital, is reproduced almost identically, Ferruh's questioning of whether the flashing lights/beacons found on certain vehicles can be purchased with money recontextualizes the scene within a distinctly Turkish sense of humor and perception of reality.

Although *Intouchables* is a film whose screenplay has become classic, its remakes in different languages and cultures are not limited to *Side by Side*. The film has previously been reinterpreted in different contexts through the 2016 Indian film "*Oopiri*", the Argentine production "*Inseparables*", and the 2017 U.S. adaptation "*The Upside*". Among these adaptations, *The Upside* adopts the conventional structural framework of Hollywood storytelling and reconstructs the narrative within the context of class relations, urban life, and identity politics in American society. Although the language of humor and the dramatic emphasis diverge from the tone specific to French culture in *Intouchables*, the core narrative structure remains recognizable. In such licensed "remakes" or adaptations, the authorization obtained from the owner of the original work secures both the legal legitimacy of the adaptation and its circulation within the international production market.

The practice of adaptation is not limited to contemporary productions in Türkiye; it was also a frequently employed method during the Yeşilçam era. In this context, *Aşk Hikâyesi*, written and directed by Nejat Saydam in 1971 and starring Deniz Gökçer and Salih Güney, is regarded as an adaptation of the 1970 U.S. film *Love Story*. Similarly, the film *Sen Bir Meleksin*, starring Hülya Koçyiğit and Ediz Hun, is considered a reinterpretation of *The Sound of Music* within the Turkish context.

While the preservation of a recognizable narrative structure in adaptations is a legally explainable situation, an increased level of localization strengthens the originality of the work, that is, the adapter's creative contribution. However, from a legal perspective, regardless of the intensity of the creative contribution, in cases where the dramatic structure, character relationships, or plot of the original work can still be distinctly recognized, the derivative work qualification continues, and accordingly, the requirement to obtain authorization from the owner of the underlying work does not disappear.

This framework is not limited to motion pictures alone. The long-established practice of adapted television series in Türkiye is likewise based on a similar legal rationale. Pairings such as *Medcezir – The O.C.* and *Kavak Yelleri – Dawson's Creek* are examples in which the core structure of youth dramas is reinterpreted through cultural adaptation. *Doktorlar – Grey's Anatomy*, *Mucize Doktor – The Good Doctor*, and *Hekimoğlu – House* constitute examples of medical drama formats being adapted in Türkiye under official licenses. In these productions,

similarities are mostly concentrated in the “crust” structure of the series. The fact that episode content diverges significantly over time is more closely related to the issue of the protection of “television formats.”

In the television production sector, program formats that carry significant economic and creative value do not have a clear and uniform definition under our law. Nevertheless, in his work titled *The Protection of Television Program Formats*, Uğur Çolak defines program formats as framework plans or drafts that include all characteristic elements of a program such as its title, flow, the position and attitude of the host, studio design, camera movements, key expressions, slogans and music, and that bear the individuality of their creator. Within this scope, it is accepted that the repeatable characteristic elements found in quiz shows, entertainment programs and television series constitute television formats. The view that such formats, when fixed in a tangible form and reflecting the individuality of their author, qualify as works under LIAW has become dominant both in judicial decisions and in doctrine.

Accordingly, pursuant to Article 1/B(1)(a) of LIAW, program formats that meet the requirements of originality and fixation are protected as works, and producers making use of these formats are required, as in the case of adaptations, to act within the framework of the authorization or license of the original format owner.

In conclusion, the remake of well-known films and television series in different cultures serves an important function for audiences whose access to such works is limited due to linguistic and cultural barriers. From a copyright perspective, these productions are dependent on the original work yet contain creative contributions and do not constitute fully independent works. Adaptations produced through derivative use or format licensing should not be regarded as mere copies of a foreign work, but rather as original forms of expression made possible by legal authorization and shaped by cultural creativity.

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