Copyright Law

COURSE INFORMATION AND SYLLABUS

Spring 2013

Professor: Alan L. Durham
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Office Hours: Tuesday & Thursday, 3:15-4:15 p.m.

Course Materials (available in the bookstore):

    Durham, Copyright Law Reading Materials, Spring 2013

    Unfair Competition, Trademark, Copyright and Patent: Selected Statutes and
    International Agreements (Foundation Press 2012)

Class Requirements:

    Class attendance and punctuality are required. It is important, and expected, that
    everyone keep up with the reading and come to class each day prepared to participate in
    the discussion. Class participation may be a factor in your grade (potentially raising or
    lowering your grade by one-third grade point – i.e., from a B to a B+ or from a B to a B-).
    Any raised grades will be based on extraordinary contributions to classroom discussions,
    accounting for both quantity and quality. Any lowered grades will be based on repeated
    failure to prepare for class or offer meaningful contributions. Such adjustment are rare.

    Please follow Law School policies on snacks and beverages and please turn off all
    cell phones and other noise makers before coming to class. You may use portable
    computers for note-taking (but not for other uses) during class. All recording devices are
    prohibited without my express permission. If you require special accommodations due to
    a disability, please discuss your needs with Associate Dean for Academic Services
    Claude Reeves Arrington.

    Except as previously noted, your grade for the course will be based on the final
    examination.
Attendance:

You should plan on missing few if any classes. Keep track of your absences. If you miss 1-6 classes during the course of the semester, generally no prior notice or subsequent explanation is required. If you miss more than 6 classes, you must speak to Associate Dean Arrington. Students who exceed 6 absences usually receive no credit for the course. If you arrive more than a few minutes late, do not sign the attendance sheet. Make every effort to arrive before the class begins.

Course Objectives:

The objectives of the course are (1) to learn the basic principles of United States copyright law (2) to consider and debate the policies underlying those principles; and (3) by discussing the assigned cases, to develop skills in critical reasoning and advocacy.

Syllabus

This syllabus is tentative and will be revised as necessary. Headings below are subject headings; they do not necessarily correspond to individual classes. At the end of each class, I will tell you how far to read for the next class. If I forget to do that, please remind me! You should expect to read about 3-5 cases in preparation for each class. Selections from the Copyright Act can be found in your statutory supplement. All other items can be found in the photocopied materials.

Introduction to Copyright

US Constitution Article I, Section 8, Clause 8

Copyright Act § 102

Bleistein

Fixation

Copyright Act §§ 102, 101 (definitions of “copies” and “fixed”)

Williams

Hemmingway

Ownership

Pushman

Copyright Act §§ 109(a) (first sentence), 204
Chamberlain  
Effects Associates  
Salinger  

Authorship  
Lindsay  
Natkin  
Childress  

Works for Hire  
Copyright Act § 101 (definition of “work made for hire”)  
CCNV  

Originality  
Burrows-Giles  
Oriental Art  
Tin Pan Apple  
Acuff-Rose  

Originality in Factual Works and Compilations  
Copyright Act §§ 103, 101 (definition of “compilation”), 102(b)  
Feist  
CDN  
Compaq  
Nash
Originality in Derivative Works

Copyright Act §§ 103, 101 (definition of “derivative work”)

Alfred Bell

Eden Toys

Gracen

Maljack

Idea and Expression

Nichols

Nash

Sheldon

Mannion

Characters

Detective Comics

Merger

Morrisey

Sebastian

Herbert Rosenthal

Satava

Function and Expression

Baker

Lotus

Copyright Act §§ 101 (definitions of “computer program,” “copies,” and “literary works”), 117

Apple
Useful Articles

Mazer

Copyright Act § 101 (definitions of “useful article” and “pictorial, graphic, and sculptural works”)

Kieselstein-Cord

Brandir

Masquerade

Infringement by Copying

Copyright Act § 106

Bouchat

Ty

Arnstein

Shaw

Lyons

Matthews

Steinberg

De Minimus Infringement

On Davis

Ringgold
Infringement by Adaptation

Horgan

Mirage

Lee

Galoob

Infringement by Distribution, Performance and Display

Copyright Act § 101 (definition of “publication”)

Hotaling

Copyright Act § 101 (definitions of “display,” “perform,” and “publicly”)

Cartoon Network

Term of Copyright

Copyright Act § 302

Eldred

Moral Rights

Gilliam

Copyright Act §§ 101 (definition of “work of visual art”), 106A, 113(d)

Carter

Philips

Fair Use

Copyright Act § 107

Harper & Row

Craft

Time
Campbell

Seuss

SunTrust

Rogers v. Koons

Blanche v. Koons

Copyright and New Technologies

Sony

UMG

MGM v. Grokster

Digital Millennium Copyright Act

Copyright Act § 512(c)-(g)

Viacom

Copyright Act § 1201(a)-(c)

Universal v. Corley

MDY

Remedies

On Davis

Preemption

Copyright Act § 301

Berge

ProCD

Government Works

Copyright Act § 105
This is likely to conclude the materials that we will have time to cover, but if we proceed faster than expected I may assign additional reading.