## Licensing and Copyright (Spring 2007) Reading Assignments (updated 3/06/07)

**Please note**: Additional required readings may be assigned, but in no case will they be posted later than one week prior to the relevant class session.

#	Class Topic	Reading assignments	Misc.
January 16	Administrative matters		Take-home plagiarism quiz
	Review of copyright		
	Summary of patent and trademark		
January 23	Why license?		In-class discussion of
	History of licensing		plagiarism quiz
	Types of licenses	Text, pp. 1-6, 141-142 <u>Duncan Inc. v. Royal Tops Mfg. Co. Inc.</u> , pp. 184-186	
		pp. 315-316	
		Foad Consulting Group Inc. v. Musil Govan Azzalino, pp. 322-329	
		<u>IAE v. Shaver</u> , pp. 330-337	
		McCoy v. Mitsuboshi Cutlery, pp. 362-367	
		17 U.S.C. §115	
	Drafting basics	Handout – Drafting language	
		Text, pp. 195-197 Kepner-Tregoe Inc. v. Vroom, pp. 187-191	

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January 30	What Law Applies?	Text, pp. 18-19	
		ProCD v. Zeidenberg, pp. 19-24	
		Text, pp. 34-35	
		Gilmer v. Buena Vista, pp. 40-42	
	Pre-transaction	Text, pp. 51-52, 109-110	
		Wrench LLS v. Taco Bell, pp. 72-81	
		Grappo v. Alitalia Linee Aeree Italiane, pp. 113-	
		117	
	Elements of a license (part 1)	Text, pp. 198-199	
	Preamble Definitions	Apple Computer v. Microsoft, pp. 207-212	
	Grants	Sun v. Microsoft, pp. 212-219	
		Text, pp. 221-223	
		Kennedy v. National Juvenile Detention	
		Association, pp. 223-226	
		Boosey & Hawkes Music Publishers v. The Walt	
		<u>Disney Co.</u> , pp. 231-239	
		Random House v. Rosetta, pp. 239-248	

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February 6	Elements of a license (part 2) Restrictions		
	Monetary consideration	Text, pp. 523-525 <u>Thomas v. Gusto Records</u> , pp. 531-535	
		Text, pp. 545-546 and <u>Arbitron v. Tralyn</u> <u>Broadcasting</u> , pp. 547-549	
		<u>SGK v. Hercules</u> , pp. 554-559	
		Brulotte v. Thys, pp. 561-565	
	Representations and Warranties	Text, pp. 369-371 Loew's v. Wolff, pp. 371-377	
		Saturday Evening Post v. Rumbleseat Press, pp. 392-395	
		Text, p. 407	
		Chodos v. West Publishing Co., pp. 419-426	

#	Class Topic	Reading assignments	Misc.
February 13	Elements of a license (part 3) Secrecy or non-disclosure	Text, p. 463  IDX Systems v. Epic Systems, pp. 464-468  Liu v. Price Waterhouse, pp. 476-480	Take home drafting assignment handed out
	Term and termination	Text, p. 483 and <u>Ticketron Limited Partnership v.</u> <u>The Flip Side</u> , pp. 483-486 <u>Walthal v. Rusk</u> , pp. 487-490	
	Assignment and transfer	Text, p. 497 and <u>Shepard's v. Thomson</u> , pp. 498-504  Text, pp. 251-252	
	Assignment and transfer	<u>First Nationwide Bank v. Florida Software</u> <u>Services</u> , pp. 270-274	
		Text, 275-276  Adobe v. One Stop Micro, pp. 282-286  Central Point v. Global Software, pp. 288-292	
		Microsoft Corp. v. Harmony Computers & Electronics, pp. 309-314	
February 27	Continuation of elements of a license (part 3)		Take home drafting assignment due
	Book licensing		2 <sup>nd</sup> drafting assignment discussed
March 6	Negotiation and drafting simulation		
March 13	Music Licensing		

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March 20	Software and online licensing	Text, pp. 769-774 ProCD (see Jan. 30)	
		Chamberlain v. Skylink, pp. 779-793	
		Microsoft v. Manning, pp. 823-827	
		eBay v. Bidder's Edge, pp. 855-863	
		Ellison v. Robertson, pp. 889-895	
	Open source	Text, pp. 828-845	
March 27	Remedies	Text, p. 594 and <u>US Naval Institute v. Charter</u> <u>Communications</u> , pp. 595-599	
		Graham v. James, pp. 601-604	
		Bassett v. Mashantucket Pequot Tribe, pp. 605-612	
April 10	Antitrust	Text, pp. 635-647 and <u>Digidyne v. Data General</u> , pp. 647-654	
		Text, pp. 669-670 and <u>Image Technical Services</u> v. Eastman Kodak, pp. 671-677	
		Intergraph v. Intel, pp. 682-687	
April 17	Ethics	New York Code of Professional Responsibility, DR 4-101; DR 5-101; DR 7-101; DR 7-102; DR 7-104	
		Video Pipeline v. Buena Vista Home Entertainment, pp. 720-723	
	Taxation	Internal Revenue Code §§1221(3), 1231	
	Bankruptcy	Text, pp. 737-739 <u>In re Prize Frize</u> , pp. 760-762	
		<u>In re Gucci</u> , pp. 763-768	

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April 27	International considerations	Convention for the Protection of Literary and Artistic Works (Berne Convention) (Articles 5 & 6) <a href="http://www.law.cornell.edu/treaties/berne/overview.html">http://www.law.cornell.edu/treaties/berne/overview.html</a>	
		WIPO Copyright Treaty <a href="http://www.wipo.int/documents/en/diplconf/distrib/94dc.htm">http://www.wipo.int/documents/en/diplconf/distrib/94dc.htm</a>	
		Universal Copyright Convention <a href="http://www.unesco.org/culture/laws/copyright/html">http://www.unesco.org/culture/laws/copyright/html</a> <a href="mailto:ml_eng/page1.shtml">ml_eng/page1.shtml</a>	
		15 C.F.R. pt. 734.2	
	Wrap-up and general costs associated with licensing copyright		
May 1	Additional topic/Guest Lecturer		

Final paper due no later than May 1, 2007 at 5:00 p.m.