

## COPYRIGHT LAW SYLLABUS

Professor Leon Friedman

The syllabus below indicates the assignments for each day of class. The goal of the course is to give each student an advanced knowledge of the rules and policies contained in the field of copyright law. You must also learn how to extract rules and policy from cases, statutes, and administrative regulations and learn how to analyze, interpret and argue differing interpretations of rules and statutes. You should also understand the roles and differing characteristics of sources of law: the common law; legislation, administrative regulations; treaties, and judicial interpretation of legislation, regulations, treaties and constitutions;

The American Bar Association requires that you spend at least six hours per week, on average, outside of class studying for this 3-credit course. This is in addition to the three hours a week we spend in class.

The case book for the course is *Copyright: Cases and Materials*, 8<sup>th</sup> edition, by Gorman, Ginsburg and Reese, with 2015 statutory supplement (the 2016 supplement will not be available until December). The assignments are as follows:

### **FIRST ASSIGNMENT**

1-49. *Burrow-Giles v. Sarony* (photograph case),  
*Bleistein v. Donaldson Lithographing* (circus poster) general  
outline of copyright law

50-75 principles of patent law, trademark law  
*Alfred Bell v. Catalda Fine Arts* (definition of “original”)  
Difference between copyright and property right in chattels  
(correspondence, photographs)

75-111 copyrightable subject matter; requirement of originality; what is a “work of authorship”; *Baker v. Selden*, describing bookkeeping system provides no right to system itself; *Morrissey v. Proctor & Gamble*, words that are part of method of operation not subject to copyright

111-130 Facts; *Feist Publications v. Rural Telephone Service*; no originality in listing telephone numbers mechanically  
*Nash v. CBS*, no copyright in facts or theories or ideas

131-150 compilations; obvious or simple collection of facts, cannot be copyrighted; *CCC Information Services*; *BellSouth Advertising & Publishing v. Donnelly Information Services*

151-184 other compilation cases; database, maps;

- Problem about data bases; derivative works  
 Must be some originality in using materials in public domain  
*L Batlin & Son v. Snyder*, Uncle Sam bank case, no originality  
 in plastic version of public domain work
- 184-206 computer programs; *Apple Computer v. Franklin Computer Corp* ; both source code and object code protectable  
*Lotus Development v. Borland Int'l*
- 206-232 Photographs; *Mannion* Useful and applied art; definition of "Pictorial, graphic and sculptural works"; what is a useful article
- 232-262 useful objects test; *Pivot Point International v. Charlene Products*; architectural works
- 262-295 Are characters copyrightable , *Nichols v. Universal Pictures*; *Rocky* case; Sound Recordings; Government works; *Veeck* case
- 384-424 Duration and renewal of copyrighted works
- 490-525 Formalities in protection of copyright , Publication, notice, deposit
- 537-571 Exclusive rights to works; test for infringement, *Bright Tunes*; *Price*,
- 577--606 infringement in visual cases; *Nichols*, *Sheldon* cases
- 606- 635 infringement in computer cases; other visual cases
- 635-670 phonorecords; derivative cases;
- 670-695 Moral rights; VARA
- 805-833 Fair use, *Campbell* case; "Pretty Woman"
- 833-864 Fair use; *Koons*, *Nation* cases,
- 864-897 *Castle Rock*; fair use and new technologies
- 912-934 Betamax, music cases, Napster; more music cases, BMG
- 935-968 vicarious and contributory infringement; *Fonavisa*, *Perfect 10*
- 968-995 *Grokster* case

1020-1053 Enforcement, remedies; *Davis v. Gap*

1142-1184 Preemption problems, INS case; equivalent subject matter

1185-1216 *Barclays*; rights equivalent to copyright