

COPYRIGHT LAW SYLLABUS – Spring 2019

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 law of copyright and unfair competition insofar as it bears on the protection of copyrightable material.

The Law School has adopted a “Credit Hour Policy.” A “credit hour” is an amount of work that reasonably approximates not less than one hour of classroom or direct faculty instruction (calculated as 50 minutes of classroom time) and two hours (120 minutes) of out-of-class student work per week for fifteen weeks (including one week for final exams), or the equivalent amount of work over a different amount of time. These requirements apply equally to all courses taught in the Law School, including distance education courses.

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*, 9th edition, by Robert A. Gorman, Jane C. Ginsburg, and R. Anthony Reese with 2018 statutory supplement. The assignments are as follows:

- 1-56. *Burrow-Giles v. Sarony* (photograph case),
Bleistein v. Donaldson Lithographing (circus poster) general
outline of copyright law
- 57-84 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)

- 85-128 copyrightable subject matter; requirement of originality and “work of authorship”; *Magic Marketing, Baker v. Selden*, describing bookkeeping system provides no right to system itself;
- 128-157 Yoga case; *Morrissey v. Proctor & Gamble*, words that are part of method of operation not subject to copyright; 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
- 157-187 compilations; obvious or simple collection of facts, cannot be copyrighted; *CCC Information Services, New York Mercantile Exchange, Assessment Technologies, Maps Mason v. Montgomery Data*, other compilation cases; database, maps; Problem about data bases
- 187-214; 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
- 214-245 computer programs; *Apple Computer v. Franklin Computer Corp*; both source code and object code protectable
Lotus Development v. Borland Int'l; *Oracle America v. Google*
- 246-265 Photographs; *Mannion* case; Useful and applied art; definition of Pictorial, graphic and sculptural works; what is a useful article
- 265-299 useful objects test; *Pivot Point International v. Charlene Products*; *Carol Barnhardt, Brandir, Varsity Brands* case in Supreme Court
- 299-329 architectural works, *Viad* case; Characters, *Nichols v. Universal Pictures*; *Rocky*, Sherlock Holmes case
- 329-359 Sound Recordings; *Newton v. Diamond*; Government works; *Veeck* case; obscenity case
- 451-494 Formalities in protection of copyright, Publication, notice, Deposit’ Martin Luther King case
- 505-542 Duration and renewal of copyrighted works; *Eldred v. Ashcroft*

- 611-643 Exclusive rights to works; test for infringement, *Cartoon Network*; *Bright Tunes*; *Price*,
- 643-678 visual cases; *Ringgold*; Jewelry cases; *Nichols*, *Sheldon* cases
- 678-715 other visual cases; *Blehm*, computer cases test, *Altai*, *Harney*
- 715-750 other visual cases, *Steinberg*; phonorecords;
- 750-781 derivative cases; *Horgan*; *Lee v. ART*; *Micro Star*; Moral rights; VARA; *Gilliam*
- 781-813 more VARA cases; *Pollara* , *Phillip*, *Buchel*
- 949- 983 Fair use, *Campbell* case; *Suntrust*, *Blanch v. Koons*; *Suntrust Bank*
- 984-1024 Fair use; *Cariou v. Prince*, *Nation case*,
- 1024-1072 *Castle Rock*; fair use and new technologies; *Sega Entrprises* photocopying
- 1072-1112 *Perfect Ten*; *Author's Guild v. Google*; *Fox News*
- 1125-1142 music cases, Napster; more music cases, *BMG Music*
- 1143-1182 vicarious and contributory infringement; *Fonavisa*, *Perfect Grokster*
- 1255-1286 Enforcement, remedies; Salinger cases; *Davis v. Gap*
- 1409-1436 Preemption problems, Sears and Compco; equivalent subject matter
- 1436-1474 *Motorola* , *Barclays*; rights equivalent to copyright