

Copyright 191 – Fall 2009

Prof. Chris Newman

Syllabus and General Class Policies

Please read this document in its entirety (even if you've had a class with me before).

Syllabus

This course will address the following topics, in more or less the following order:

- What are the historical origins and general underlying principles of copyright law?
- What types of subject matter are protectable by copyright?
- Who is entitled to initial ownership of a copyright?
- What formal requirements govern the creation and transfer of copyrights?
- What are the legal and policy issues surrounding the duration of copyrights?
- What exclusive rights does copyright confer and how may they be infringed?
- What limitations does the law place on the scope of the copyright owner's exclusive rights?
- To what extent can one be held liable for infringement committed by others?
- How are copyrights enforced and what remedies are available for infringement?

Time permitting and class interest warranting, we may also delve into the following issues:

- Under what circumstances can one be held liable for circumventing technical measures intended to prevent infringement?
- To what extent does federal copyright law preempt state laws that deal with similar issues?

Text and reading assignments

Our text will be Robert A. Gorman & Jane C. Ginsburg, *Copyright: Cases and Materials* (Foundation Press 2006), and the 2009 Supplement thereto. Supplemental materials may be posted on the class TWEN page from time to time.

Specific reading assignments will be posted in the Course Materials section of the class TWEN page six days before each class. Readings will generally be in the range of 30-40 pages per class. There will occasionally be assignments that ask, in addition to reading, for some form of written response. These will range from clicking an answer on an electronic poll to submitting a completed copyright registration form. Such responses are to be submitted no later than a half hour prior to the beginning of class.

Class Participation

I reserve the right to weigh class participation in grading for this course by rewarding or penalizing outliers at either end of the spectrum. In order to receive full credit for participation, observe the following simple guidelines:

1. Do the readings prior to attending class. This means do your level best to work through and understand the assigned material. You may still not understand something, but you ought to be able to articulate exactly what it is you don't understand. The more effort you put into this, the more efficiently we can establish comprehension of the basics in class, the more time we can spend discussing the interesting questions, and the more value you get for the time and money you are spending to be here.
2. The assignment page will often contain specific problems to think about while or after doing the reading, and may direct you to assume that you represent one side or the other of a given issue. Prepare based on the assumptions that you will be called on in class to make an argument on behalf of your client, and that your job is to use the materials in the reading (and all prior readings) to make mincemeat of the other side.
3. If you are called on, and you are not prepared that day, just say so. Don't waste the class's time by trying to fake it or explaining why you are not prepared. It happens. Redeem yourself by not letting it happen again, by making sure to volunteer on other occasions when there is a discussion to which you have something constructive to add, by contributing thoughtfully to TWEN forums.
4. Sometimes I will ask you to participate in an online poll. When I do, take it seriously and answer the poll at least a half hour before coming to class. Having to make a choice helps to focus thought.
5. When there is an assignment asking for some form of written response, submit one in a timely manner.

Class TWEN page

TWEN pages can either be a fun and valuable extension of class or a moribund waste of server space. Here's how ours can be the former:

1. Copyright Discussion Forum: Class time is a very limited resource, and in an attempt to keep it coherent and focused on key points, I will inevitably have to cut off certain trains of thought and ignore certain raised hands. Even the things we focus on will rarely if ever be completely resolved by what we say in class. So here's our place to continue the conversation and engage the stray thoughts. Did you have a burning question or comment that we didn't get to in class? An idea

you'd like to get feedback on? Run across an interesting or amusing article, blog post, or video clip relevant to what we're studying? Post it here. You all have the power to create and respond to topics in the "Copyright Discussion" forum. In fact, if you have a question that doesn't get answered in class I'd prefer that you post it here rather than emailing or seeing me privately, as that way everyone can benefit. And the primary means by which you can benefit is by trying your hand at answering your classmates' questions. I promise that you will gain a lot more from hashing out an answer for yourselves than by passively imbibing one posted by me. (Plus I might be wrong. As you ought to know by now, there are such things as authorities in the law, but they aren't people.) Which is not to say that I will necessarily remain aloof from the fray. Whether you post or not, you should keep abreast of what's going on in the forum. Or let me put it this way: any issues that get vented on TWEN are fair game as exam fodder.

2. Class Concerns Forum: This is the place to make constructive comments at any time about what is going on in class, so that we can try to make it as productive and useful to everyone as possible. You are empowered to post anonymously in this forum. I trust no one will abuse this power.
3. Web Links: I have provided you with a page of copyright-related web links to explore. I neither espouse nor denounce any of the various viewpoints represented; their inclusion means only that I find them useful, informative, interesting, or amusing. I encourage you to explore them all with a critical mind, and if you know of other links that you think I should include, by all means let me know.

Office Hours

If you have an issue you'd like to discuss with me that can't be dealt with properly on TWEN, feel free to send me an email and I'll be happy to set up a time to meet.