Syllabus for Copyright Law

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I. COURSE MATERIALS.

Title 17 of the U.S. Code (available from many sources).

II. OFFICE HOURS.
You should feel free to email me for an appointment if you wish to meet to discuss any aspect of the class. Additionally, my office hours are Mondays from 6 to 8pm, and you should be able to find me in my office at those times. In general, email is a more reliable method of finding me than telephone.

III. GRADES.
Your grade will be based on the final exam, which is graded blindly. The final exam will be open book and comprise several essay questions. I will provide more information about the final exam towards the end of the semester.

I may adjust the final grade by one-third of a letter, e.g., a B+ would become an A- or B, for class participation. Quality and quantity are both considered in assessing class participation. In general, voluntary participation is given more credit than induced participation when making this assessment.

IV. ATTENDANCE.
A sign-in sheet will be distributed at the start of class. Please initial the sign-in sheet during the class. If you forget to sign in during the class, you will be marked as absent for that class. You cannot sign in after the class has finished.

The ABA has a rule—over which I have no control—that a student who misses more than 20% of classes is ineligible to sit for the exam. Please make sure you do not violate this rule, as the penalty is severe.

V. ELECTRONIC DEVICES.
Please remember to turn off your cell phone before class.

Those who wish to their laptops to take notes may do so. Please refrain from surfing the internet, email, instant messaging, etc. during class.
VI. ASSIGNMENTS.
Generally, we will cover one topic per class. Classes with heavy reading (in excess of 35 pages) will likely carry over to the next session.

1. Introduction: Nature of Copyright
Gorman, Ginsburg & Reese
Pages 4-17, 53-57, 63-67, 71-75
Alfred Bell & Co. v. Catlada Fine Arts, 191 F.2d 99 (2d Cir. 1951)
Forward v. Thorogood, 985 F.2d 604 (1st Cir. 1993).

2. Subject-Matter I: Core Requirements.
Gorman, Ginsburg & Reese
Pages 76-87, 91-94, 111-123

3. Subject-Matter II: Idea versus Expression
Gorman, Ginsburg & Reese
Pages 100-110, 123-127
Morrissey v. Procter & Gamble Co., 379 F.2d 675 (1st Cir. 1967)
Nash v. CBS, 899 F.2d 1537 (7th Cir. 1990)

4. Subject-Matter III: Facts and Compilations; Applied Art
Gorman, Ginsburg & Reese
Pages 134-144, 151-155, 230-248
CCC Information Servs. v. Maclean Hunter Market Reports, Inc., 44 F.3d 61 (2d Cir. 1994)
Assessment Techs. of WI, LLC v. WIREdata, Inc., 350 F.3d 640 (7th Cir. 2003)
Pivot Point Int'l, Inc. v. Charlene Prods, Inc., 372 F.3d 913 (7th Cir. 2004)

5. Subject-Matter V: Photographs; Characters
Gorman, Ginsburg & Reese
Pages 207-220, 262-271
Gaiman v. McFarlane, 360 F.3d 644 (7th Cir. 2004)

6. Subject-Matter VI: Computer Programs; Sound Recordings
Gorman, Ginsburg & Reese
Pages 184-206, 271-276
Apple Computer, Inc. v. Franklin Computer Corp., 714 F.2d 1240 (3d Cir. 1983)
Lotus Development Corp. v. Borland Int’l, Inc., 49 F.3d 807 (1st Cir. 1995)
Newton v. Diamond, 349 F.3d 591 (9th Cir. 2003)

7. Subject-Matter VII: Exceptions
Gorman, Ginsburg & Reese
Pages 276-300
Mitchell Bros. Film Group v. Cinema Adult Theater, 604 F.2d 852 (5th Cir. 1979)

8. Ownership I: Authorship and Joint Authorship
Gorman, Ginsburg & Reese
Pages 301-304, 328-343
Lindsay v. R.M.S. Titanic, 52 U.S.P.Q.2d 1609 (S.D.N.Y. 1999)
Thomson v. Larson, 147 F.3d 195 (2d Cir. 1998)

9. Ownership II: Works for Hire; Collective Works
Gorman, Ginsburg & Reese
Pages 304-327, 370-383

10. Ownership III: Assignment and Transfer; Moral Rights
Gorman, Ginsburg & Reese
Pages 343-364, 524, 678-681
Effects Assocs. v. Cohen, 908 F.2d 555 (9th Cir. 1990)
Cohen v. Paramount Pictures Corp., 845 F.2d 851 (9th Cir. 1988)
Boosey & Hawkes Music Publishers, Ltd. v. Walt Disney Co., 145 F.3d 481 (2d Cir. 1998)

11. Term I: Duration
Gorman, Ginsburg & Reese
Pages 384-411, 438

TWEN

12. Term II: Renewal
Gorman, Ginsburg & Reese
Pages 411-421, 439-449
Stewart v. Abend, 495 U.S. 207 (1990)
13. Term III: Termination
Gorman, Ginsburg & Reese
Pages 449-454, 473-489

14. Formalities
Gorman, Ginsburg & Reese
Pages 490-525
Estate of Martin Luther King, Jr., Inc. v. CBS, Inc., 194 F.3d 1211 (11th Cir. 1999).

15. Infringement I: Copying Versus Independent Creation
TWEN
Arnstein v. Porter, 154 F.2d 464 (2d Cir. 1946)
Ty, Inc. v. GMA Accessories, Inc., 132 F.3d 1167 (7th Cir. 1997)

Gorman, Ginsburg & Reese
Pages 556-561, 618-624

16. Infringement II: The Idea/Expression Dichotomy Revisited
Gorman, Ginsburg & Reese
Pages 577-588, 602-618
Herbert Rosenthal Jewelry Corp. v. Kalpakian, 446 F.2d 738 (9th Cir. 1971)
Nichols v. Universal Pictures Corp., 45 F.2d 119 (2d Cir. 1930)

17. Infringement III: Derivative Works
Gorman, Ginsburg & Reese
Pages 164-175, 650-667
L. Batlin & Son v. Snyder, 536 F.2d 456 (2d Cir. 1976)
Horgan v. Macmillan, Inc., 789 F.2d 157 (2d Cir. 1986)
Lee v. A.R.T. Co., 125 F.3d 580 (7th Cir. 1997)
Micro Star v. Formgen Inc., 154 F.3d 1107 (9th Cir. 1998)

18. Fair Use I
Gorman, Ginsburg & Reese
Pages 805-833
19. Fair Use II
Gorman, Ginsburg & Reese
Pages 847-867, 902-907
Perfect 10, Inc. v. Amazon.com, Inc., 508 F.3d 1146 (9th Cir. 2007)

20. Fair Use III
Gorman, Ginsburg & Reese
Pages 867-897
Sega Enters. Ltd. v. Accolade, Inc., 977 F.2d 1510 (9th Cir. 1992)

21. First Sale Doctrine
Gorman, Ginsburg & Reese
Pages 704-705, 716-740
Vernor v. Autodesk, Inc., 621 F.3d 1102 (9th Cir. 2010)
UMG Recordings, Inc. v. Augusto, 628 F.3d 1175 (9th Cir. 2011)

22. Public Performance and Display
Gorman, Ginsburg & Reese
Pages 746-758, 765-769, 781-788
United States v. ASCAP, 627 F.3d 64 (2d Cir. 2010).
Columbia Pictures Indus., Inc. v. Aveco, Inc., 800 F.2d 59 (3d Cir. 1986)
Perfect 10, Inc. v. Amazon.com, Inc., 508 F.3d 1146 (9th Cir. 2007)

You should also take a brief look at 17 U.S.C. §§ 110 & 111. You will not be tested on these exemptions, but you should know what a “secondary transmission” is and why it is an infringement of copyright unless exempted.

23. Secondary Liability I
Gorman, Ginsburg & Reese
Pages 954-962, 968-988

24. Secondary Liability II
Gorman, Ginsburg & Reese
Pages 935-960, 988-995
**Fonovisa, Inc. v. Cherry Auction, Inc.**, 76 F.3d 259 (9th Cir. 1996)

**Perfect 10, Inc. v. Visa Int’l Serv. Ass’n**, 494 F.3d 788 (9th Cir 2007)


25. Remedies I: Injunctions; Damages

Gorman, Ginsburg & Reese
Pages 1020-1044

**Davis v. The Gap, Inc.**, 246 F.3d 152 (2d Cir. 2001)

**Frank Music Corp. v. Metro-Goldwyn-Mayer, Inc.**, 772 F.2d 505 (9th Cir. 1985)

26. Remedies II: Statutory Damages; Criminal Prosecution

Gorman, Ginsburg & Reese
Pages, 1044-1067, 1079-1082


27. Digital Millennium Copyright Act

Gorman, Ginsburg & Reese
Pages 1082-1122

**MDY Indus., LLC, v. Blizzard Entertainment, Inc.**, 629 F.3d 928 (9th Cir. 2010)


28. Revision and Catch-up

No new reading.