Syllabus for Copyright Law

Law 191-002     Professor: T.J. Chiang
Fall 2015     Office: 325
3 Credits     Office Phone: (703) 993-9868
E-mail: tchiang2@gmu.edu

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 and Wednesdays from 5 to 6 pm, 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. 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, facebook, etc. during class.

V. 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

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12. Term II: Renewal
Gorman, Ginsburg & Reese
Pages 411-421, 439-449
Stewart v. Abend, 495 U.S. 207 (1990)
Russell v. Price, 612 F.2d 1123 (9th Cir. 1979)

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

Ty, Inc. v. GMA Accessories, Inc., 132 F.3d 1167 (7th Cir. 1997)

16. Infringement II: The Idea/Expression Dichotomy Revisited

Herbert Rosenthal Jewelry Corp. v. Kalpakian, 446 F.2d 738 (9th Cir. 1971)

17. Infringement III: Derivative Works

Micro Star v. Formgen Inc., 154 F.3d 1107 (9th Cir. 1998)

18. Fair Use I


19. Fair Use II

Perfect 10, Inc. v. Amazon.com, Inc., 508 F.3d 1146 (9th Cir. 2007)

20. Fair Use III

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)

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22. Public Performance and Display
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Gorman, Ginsburg & Reese
Pages 781-788
Perfect 10, Inc. v. Amazon.com, Inc., 508 F.3d 1146 (9th Cir. 2007)

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
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.