

**COPYRIGHT
LAW 191 – FALL 2024**

**PROF. NEWMAN
cnewman2@gmu.edu
Office 424
703-993-8131**

COURSE SCHEDULE/MEETING TIMES/TYPE:

This is an in-person course that meets on Mondays and Wednesdays from 6:05 to 7:30 PM. **Please note that the first meeting of this class will be Monday, August 26th.**

COURSE OVERVIEW/DESCRIPTION:

This course will cover the fundamentals of U.S. copyright law and policy. After taking this course, you should:

- Be familiar with the structure and key provisions of the U.S. Copyright Act.
- Be familiar with the main judicial doctrines interpreting, applying, and supplementing the statutory framework.
- Be able to spot and analyze copyright issues arising in a given fact pattern.

Our primary materials will be the following:

- Fromer & Sprigman, Copyright Law: Cases and Materials (this book is available as a free download [here](#)).
- Title 17 of the U.S. Code (which is available [here](#)).
- Various supplemental materials I will provide on TWEN.

A tentative schedule of class readings follows. The casebook readings are generally in the range of 20-30 pages per class. **Note, however, that this body of law is governed by a statute, which means that (where applicable) the statutory language is the primary source we are supposed to be interpreting. Whenever you see citations to the statute within the assigned materials, it goes without saying that you need to actually read the text of the provisions in question.** When you are outlining, your starting point should be the statutory language, and then you can flesh out the interpretations thereof provided by caselaw or other sources. When you are asked to analyze a copyright problem (in class, on the exam, or in real life), the first thing out of your mouth should always be to identify the governing statutory language.

Note: this reading list will be revised in light of recent edits to the casebook. An updated version of the syllabus will be posted prior to the start of classes.

Class	Casebook assignment	Topic
1	1-26	Introduction; Subject Matter: Fixation

2	26-53	Originality; Derivative Works
3	53-79	Compilations; Idea-Expression; Copyrightable Subject Matter
4	79-100	Useful Articles
5	101-129	Computer Software
6	137-162	Authorship and Ownership
7	163-183	Formalities; Duration Rules
8	183-211	Duration Policy; Renewals; Terminations of Transfer
9	213-237	Exclusive Rights: Reproduction Right
10	238-269	Reproduction Right (cont'd)
11	270-288 309-317	Distribution and Importation; Fictional Characters
12	289-309	Right to Prepare Derivative Works
13	317-339	Moral Rights
14	339-364	Public Performance and Display
15	364-388	Music Industry
16	389-418	Fair Use: Foundational Cases
17	419-440	Fair Use: Contemporary Cases
18	441-462	Fair Use: Contemporary Cases (cont'd)
19	463-482	Fair Use: Contemporary Cases (cont'd)
20	482-514	Fair Use: Contemporary Cases (cont'd); Volition
21	514-542	Secondary Liability; Liability of Online Service Providers
22	543-575	Liability of Online Service Providers (cont'd); Liability of Device Manufacturers
23	577-604	Litigation and Remedies
24	604-629	Remedies (cont'd); Technological Protections
25	630-656	Tech Protections (cont'd); Copyright Contracts
26	656-667 677-693	Contracts (cont'd) Preemption

BASIS OF EVALUATION & ASSESSMENTS:

Grades will be determined based on two factors:

- Class participation (in-class and online)
- Final exam

In-class:

I understand that many of you who take evening classes have day jobs, and that it is therefore more difficult for you to be consistently as prepared for class as you would like. Rather than cold-calling, I will ask you to opt into being on call by using a sign-up sheet on TWEN to indicate that you are prepared to participate in class discussion. Over the

course of the term each of you is expected to **sign up nine times** to be on-call for a particular class session. There will be a TWEN sign-up sheet for this purpose. Signing up is a representation that you have done all the assigned reading and have given sufficient thought to the material to have a constructive conversation about it. Don't overthink this—you are not expected to have perfectly mastered the material or to have fully articulated theories in response to every question. You're just preparing to contribute thoughtfully and usefully to class discussion, the way ideally you would every day. Since you're adults, I assume I don't need to explain the inadvisability of blowing off the reading for the class sessions in which you will not be on-call.

To get credit for signing up, you need to do it by 30 minutes before the start of class. There will be five sign-up slots available for each class—first come, first served. It's probably worth your while to make sure you sign up for some early slots rather than waiting till late in the term when you will feel more stressed. Should circumstances make it necessary, you can withdraw your sign-up on TWEN so long as you do so prior to the 30-minute cut off. No explanation is necessary or desired. Just make sure to make up for it some other time.

Don't sign up more than nine times. People who don't sign up won't be cold-called that day, but are always welcome and encouraged to raise their hands and spontaneously participate in class discussion. Signing up doesn't guarantee you'll be called that day, but over the course of the term I'll try to make sure everyone does get called an even amount.

Online:

Class time is a very limited resource, and I do not want those limitations to prevent us from carrying on conversations about whatever aspects of the materials interest you. Ideally I would like our TWEN discussion forum to function as an extension of class in which we can pursue trains of thought as far as people wish to take them.

The “Copyright Discussion” forum is a place where you can raise questions or comments that we didn't get to in class, and share any relevant articles or other links related to copyright issues. 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 it can be the spark of a group discussion from which everyone can benefit.

I have also started compiling a page of copyright-related web links to explore. Note that inclusion does **NOT** constitute endorsement of the various viewpoints or organizations that may be represented. It means only that I find them somehow relevant or useful. I encourage you to explore them all with an open and critical mind, and if you want to suggest other links that you think I should include, by all means let me know.

Grade adjustments for class participation:

People who stand out over the course of the term as notably helpful contributors through either oral class participation (whether on-call or volunteer), and/or online discussion may receive a positive grade adjustment. “Notably helpful” is about quality, not quantity—it means the sort of contributions that show thoughtful engagement and enrich

our collective consideration of the topics at hand. Failure to sign up seven times for on-call participation, or failure to be adequately prepared on a day when you do sign up, may result in a negative adjustment.

Final exam:

Most of the grade will be determined by the final exam. Like most law school exams, this one will pose fact patterns and ask you to write legal analyses applying the doctrines we have studied over the course of the term. Expect the exam to be in-class and 3 hours.

COMMUNICATION/OFFICE HOURS:

This class has a TWEN page, which is where class materials and sign-up sheets will be posted. You will be regarded as having constructive notice of anything posted there.

I highly encourage use of the discussion forums on TWEN to ask questions and carry on conversations related to class. This enables everyone to participate in the conversation whenever temporally convenient for them, and provides practice in clear written communication about legal issues.

In order to provide live office hours, I will make a practice (barring conflicts) of remaining available after each class to discuss whatever students wish. If you would like to schedule an individual meeting, feel free to email me. If there is demand, we can also discuss setting up regular hours for walk-ins. During any such sessions I will also keep a Zoom chatroom open so that you have the choice of joining either in person or online.

RELEVANT LAW SCHOOL/UNIVERSITY POLICIES:

Class Recordings Prohibited:

Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera. Any exceptions to this policy must be expressly permitted in writing by me. Upon request, I may record a class session for the benefit of a student who has a valid reason for unavoidable absence.

Academic Integrity:

It is expected that students adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes a student obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on any school related assignment. The Honor Code is available here: <https://sls.gmu.edu/honor/>.

Classroom Accommodations:

Disability Services at George Mason University is committed to providing equitable access to learning opportunities for all students by upholding laws that ensure equal

treatment of people with disabilities. If you are seeking accommodations for this class, please visit <http://ds.gmu.edu/> for detailed information about the Disabilities Registration Process. Faculty may not receive or respond to requests for an accommodation. All requests must be handled by the office of Disability Services. You may contact Disability Services directly via email at ods@gmu.edu or phone at (703) 993-2474. If you have any questions about how in-class or testing accommodations are implemented at the law school, please contact the Assistant Dean, Student Academic Affairs for more information.

Non-Discrimination

As set forth in University Policies [1201](#), [1202](#), and [1203](#), George Mason University is committed to providing equal opportunity and an educational and work environment free from any discrimination on the basis of race, color, religion, national origin/shared ancestry, sex, disability, military status (including veteran status), sexual orientation, gender identity, gender expression, age, marital status, pregnancy status or genetic information. Students can report concerns regarding discrimination or harassment based on protected status to the DEI Office.