



Class 11: Joint And Collective Works

Administrative

Next Time: 435-37; 445-55; 479-89; sections 106 (1,3), 108, 109, any terms in 101.

Ringtone reading for next Wednesday posted on website in next hour.
Note about statutory sections for next three classes.
Reading for Open Source conference to be posted this weekend.

New Syllabus Distributed Last Time

Let me know if you'll miss:

Open Source Conference (March 5)
In-Class Exercise (March 19)

News

http://wendy.seltzer.org/blog/archives/2007/02/13/my_first_dmca_takedown.html 🌐
World paralyzed by daylight savings bug!

Last Time

Work for Hire

Note 6: Within the scope of employment
101(2) Commissioned Works
What if Taylor and Childress signed a contract that said, "This is a Work for Hire."

Why do we need this exception?
Why do we need these nine categories?

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Joint Works

Again, what are the stakes?

Childress v. Taylor

Basic Facts

Play about "Moms" Mabley

Defendant: Clarice Taylor

- Veteran Actress
- First had idea to do play about Mabley
- Did bulk of research

Plaintiff: Alice Childress

- Award-winning playwright.
- Approached by D to write play.

The collaboration

- Taylor handed over all research.
- D: discussed specific scenes and characters to include.
- Both spoke on regular basis.
- Taylor's contributions listed on 272-73.

Negotiations broke down.

- Taylor hired Caldwell to write another play.
- Confusion in Advertising about connection to earlier version.

Held (2d Cir. 1991)

Must each party contribute something copyrightable?

- Arguments Pro
- Arguments Con
- Still the majority rule, but Posner finds an exception in Gaiman

What intent is required?

s. 101: "that their contributions be merged into inseparable or interdependent parts of a unitary whole."

Highly collaborative Works (Note 11)

