

Class 11: Joint And Collective Works

Administrative

Next Time:

435-37; 445-55;  
479-89; sections 106  
(1,3), 108, 109, 101  
(relevant terms)

Start focusing closely  
on provisions, particu-  
larly sections 108 to  
122 (when assigned)  
(But not really for 108)

Let me know in  
advance if you'll  
miss both the 4/9  
debate and 3/4

Joint Works

Again, what are the stakes?

Note 15: Joint Owners are not  
the same thing as Co-owners  
of work of Joint Authorship

Note 16: Tenants in  
Common

No infringement for  
own use.  
Right to use or to  
license the work as  
he/she wishes  
Obligation to Account  
No destruction of  
value of work.

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 Advertis-  
ing about connection  
to earlier version.

Held (2d Cir. 1991)

Class 11: Joint And Collective Works

Joint Works

Must each party contribute something copyrightable?

Arguments Pro  
Arguments Con

Still the majority rule, but Posner finds an exception in Gaiman



Wikipedia Entry [http://en.wikipedia.org/wiki/Mitch\\_Snyder](http://en.wikipedia.org/wiki/Mitch_Snyder)   
Particular Modification of 2/19/2007

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)

Note 11: Malcolm X Detailed list of things contributed by P on 284.  
Wikipedia

Collective Works

Basics

Difference between JW and CW?  
Special rule for 201(c).

Tasini v. NYT

Basic Facts

Freelance writers (Ps) wrote articles for NYT and other newspapers.  
NYT placed copies of articles onto online DBs (including Nexis).  
Key Fact Retrievable by user in isolation and clear of

Held  
Reasoning