Class 11: Copyright Intro, Originality, And Fixation

- Administrative
  - Next Time: 386-89; 395-405 (including Problems 4-3 to 4-5)
  - Limited office hours today (end at 2:55pm)
  - News Wednesdays
    - One story later
- Last Time
  - Recap DoE and PHE
- History and Policy Justification
  - History
    - 1976 Act as Amended is Focus of this class
      - And amendments since such as Sonny Bono Copr. Extension Act
  - Policy Justification
    - Utilitarian
    - Lockean
    - Personhood
- Brief Overview
  - What is Protectable?
    - Subject Matter
      - Three classes
        - Originality
        - Fixation
        - Idea-Expression
        - Statutory Subject Matter
    - Formalities
      - Won't really cover in this class.
      - Since 1976 Act, not very important.
    - Authorship/Ownership
      - One class
    - Duration
      - Life + 70 Years (or 95 years for entity authors)
  - Registration
  - What Rights are Conferred?
    - Section 106 Rights
      - Copying
        - Direct Copying
        - or: Access + Similarity
      - Derivative Works
      - Distribution
      - Publicly Performance
      - Publicly Display
    - Other RIghts
      - Anticircumvention
        - Not really in this class
      - Moral Rights
    - Third-party liability
      - Contributory / Vicarious / Grokster
  - Limits on these Rights
    - Fair Use
      - Two Classes
    - Compulsory Licensing
      - A little attention

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- Originality
  - Basic Rule
    - Independent Creation
    - Modicum of Creativity
      - More than "merely trivial" variation
  - Feist
    - Basic Facts
      - Rural is a phone company. Publishes white pages and yellow pages.
        - State regulation mandates this (important?)
      - White pages
        - 7700 Listings
        - For each
          - Names of subscribers
          - Towns
          - Phone Numbers
      - Feist sells much larger phone book
        - Paid 10/11 local telcos for rights to white page listings
          - Rural said, "No."
        - Used Rural's listings anyway.
          - Used 1309 listings
            - Others were outside territory covered.
          - Added some add'l research (street addresses)
            - Does this matter?
    - Held
    - Reasoning
  - Some examples / Problems
    - 1
      - Don't Taze Me Bro!
      - Haiku
        - Fixed and Tangible
        - Too Short -- Not Original
        - No IP for You!
    - 2
      -
      - More smileys
        -
        -
      - New York Arrows logo (page 422)
    - 3
      - White Pages?
      - Yellow Pages?
    - 4
    - 5
    - 6
      -
    - 7
      - Maps
        - Mercator Projection
        - Peters Projection
    - 8
      - Audio Recordings
    - 9
      - Translation of Hamlet into Russian