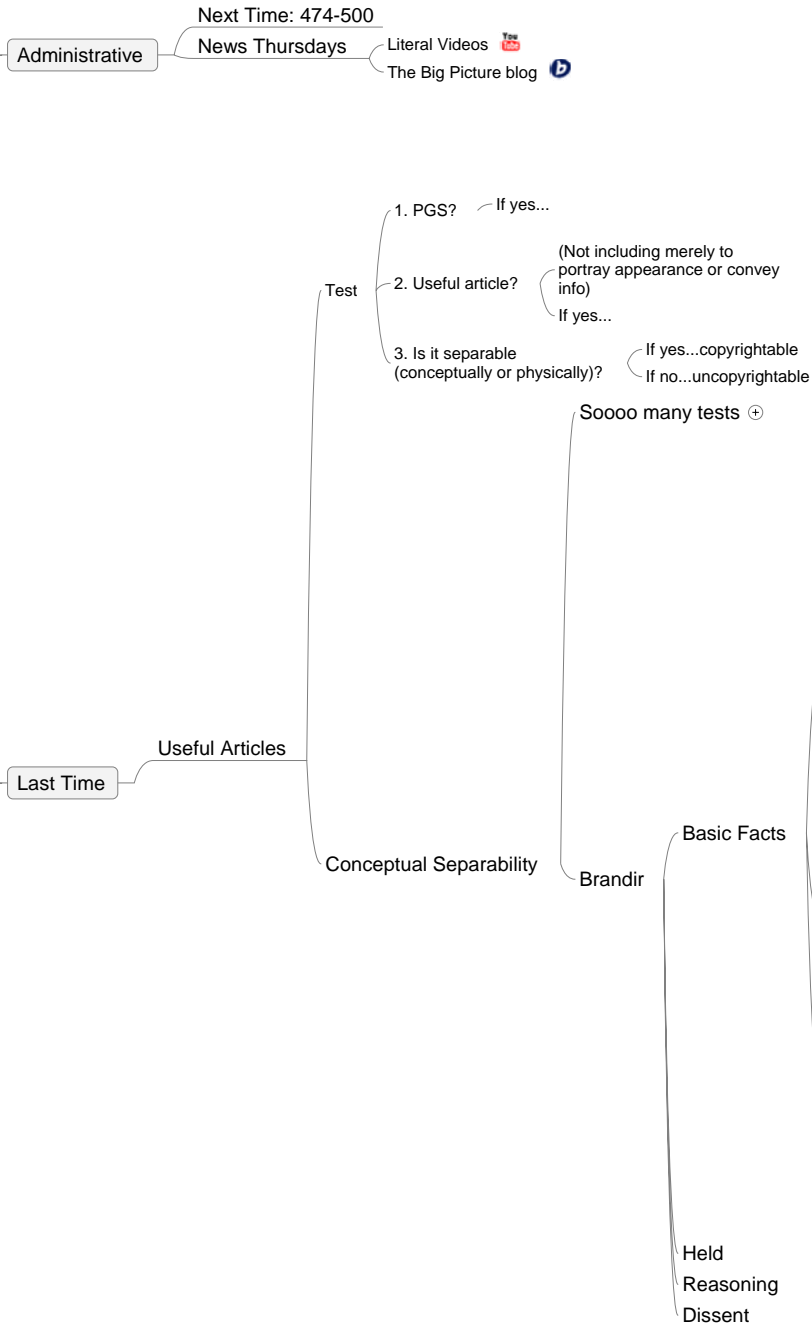


Class 13: Ownership



or go visit Einstein's Bagels.



See images on 424

- Widened upper loops.
- Straightened vertical elements, too allow installation.
- Material selection: rustproof galvanized steel.
- Shape: Heavy-gauged tubes.
- Even the radius of the bend was standard engineering practice.

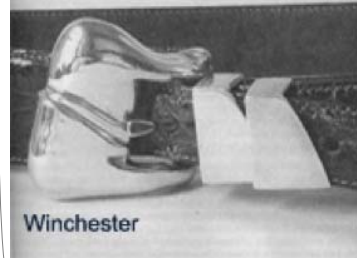
Class 13: Ownership

Last Time

Useful Articles

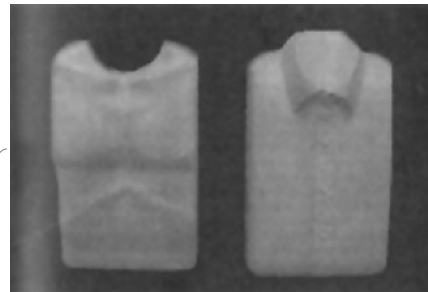
Problems

Problem 4-7

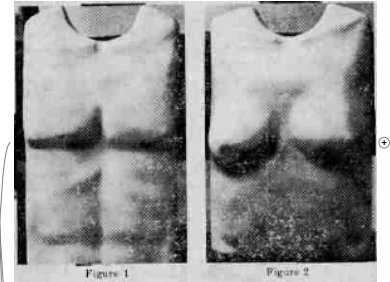


Trina

Problem 4-8



Sue



Customers claim to prefer this for showing off clothes.

Case: Carol Barnhart Inc. v. Economy Cover Corp., 773 F.2d 411 (2d Cir. 1985)

Subject Matter

Page 436: Embodied in Section 102

(1) Literary Works

Words, numbers, or other verbal or numerical symbols or indicia.

Regardless of the material object (book, periodical, manuscript) in which they are embodied.

(5) Pictorial, Graphic, and Sculptural Works

(8) Architectural Works

(2) Musical Works and (7) Sound Recordings

One copyright goes to the author of the music and lyrics

A separate Copyright goes to the person who embodies the musical work in a sound recording.

(3) Dramatic and (4) pantomime and choreographic works.

(6) motion pictures and other A/V works

Section 103: Derivative works and compilations.

Class 13: Ownership

Ownership

Work for Hire

Basic Rules

Default owner is the author -- the person who actually writes/composes/paints the original work.
 Many works are created in the employment/commission context.



CCNV v. Reid

Basic Facts

In support of CCNV

Mitch Snyder (member and trustee of CCNV) and others conceived of idea.
 CCNV Contributions During development of idea

- Two adults, one infant.
- Pedestal
- Grate
- Real "steam"
- Suggested reclining poses.
- Many visits to check on his progress.
- Built the pedestal and base.
- Rejected shopping bags, suitcases in lieu of cart.

Black.
 Life-sized

In support of Reid

Selected material to use (given funding constraints)
 Several sketches made.
 Sculptor: Skilled occupation.
 Own tools
 Distant from CCNV (Baltimore)
 Less than two months
 Absolute freedom as to schedule
 Discretion as to assistants.
 No taxes, benefits, etc.

Held
 Test adopted

Within the Scope of employment

Basic Rules

Joint Works

Aalmuhammed v. Lee

Basic Facts

Spike Lee makes Malcolm X starring Denzel Washington
 Washington asks plaintiff to assist him in preparing for the role

Review: WB had Lee sign a w4h contract

Devout Muslim
 Creator of prior documentary about Malcolm X

"Very extensive" suggested script revisions; some included; others filmed but edited out.
 Directed actors
 Created two new scenes with new characters
 Translations from Arabic
 Voice for voice overs
 Selected prayers and religious practices
 Post-production marketing and promotion

Plaintiff's contributions

No contract.
 Paid \$125,000
 Sued as joint work, part owner

Held
 Reasoning

Independently Copyrightable