

Class 25: Contract

Administrative

Next Time

Re-read: 440-41 (Musical works and Sound recordings); 514-516 (Public Performance and Display Rights)
I will post a few other scanned pages shortly after class.

Review Sessions

Thursday, 12/4: Normal Class Time
Saturday, 12/6, 2pm (reviewing Fall 2006 exam)
Send me questions!

FCQ's today.

Will post tomorrow

2007 Exam plus rubric
Rest of mindmaps

News Thursdays

Trade Secrets policy versus contamination investigations
PC Magazine ending print version

Last Time

Injunctions

Copyright Injunctions

Abend v. MCA

Basic Facts
Held
Reasoning

Rear Window movie based on story.
Originally a licensed use, but the copyright renewal stayed with original owner.

Note 1: Why shouldn't they deserve an injunction?
What factors should matter?

Comparing the Two

How do you measure damages?

\$750 - \$150,000 per copyrighted work
Note: 7th Amendment means jury must set valuation within range

Damages

Statutory Damages

RIAA v. Jammie Thomas

24 songs at issue in the case (1702 song transfers attributable to her)
Verdict: \$222,000

\$9250 per song.

Possible low-end: \$750/song = \$18,000
Possible high-end: \$150,000/song = \$720,000

RIAA v. Tenenbaum: Challenge to constitutionality

Professor Tehranian at Utah calculates how much copyright infringement he engages in on a typical day

Willfulness