

## COURSE DESCRIPTION AND ASSIGNMENT LIST COPYRIGHT LAW

**Fall Semester: 2009**

**Professor Richard Chused**

### COURSE DESCRIPTION

Copyright is one of the most interesting areas I have ever studied or taught. The cases are frequently very interesting. The items and personalities studied are often well known. Most importantly, the very nature of Copyright requires study of human creativity, alongside the more normal law school fare of greed, corruption, and legal discourse. Much of what we will study takes a form accessible by visual or aural senses—pictures, objects, buildings, music, movies and a host of related formats. We therefore will use significant amounts of graphic and audiovisual materials in class.

Even though this is a three credit course, there will not be enough time to cover all major copyright topics in detail. The area has seen explosive growth in the past several decades. In picking and choosing things to cover, I have generally deleted only topics covered elsewhere in the curriculum. The most notable of these is copyright in the television industry. Though we will cover some of the basics about performances and TV, the more complex features of network and cable regulation have been left to courses and seminars in communications law.

#### **Course Requirements:**

Readings: The required course texts are COHEN, LOREN, OKEDIJI & O'ROURKE, COPYRIGHT IN A GLOBAL INFORMATION ECONOMY (2D ED. 2006) and its 2009 SUPPLEMENT. There are no duplicated materials to pick up though, depending upon what courts around the country say about copyright in the next few months, I may distribute a few things during the semester.

Final Exam: The final exam will be completely open book. You will also have free access to the internet and any electronic devices you wish to bring to the exam. I'll give you more information about the test later in the semester.

Classroom Etiquette: You should show up on time. Leave a large extra cushion for commuting snafus. All cell phones and other portable electronic devices must be totally shut down at all times during class; quiet mode may not be used. Surfing, emailing, texting, instant messaging or other non-class related uses of computers are banned. Anyone I notice breaking these rules will be asked to leave class. Re-entry to class will not be allowed until after a private meeting with me. I reserve the right to reduce the grade of any student violating these rules by one notch for each violation.

#### **Class Web Site:**

Please familiarize yourself with the Blackboard web site for this class. You will find a variety of materials on the site, including links to various documents, including this syllabus, to

memos and Power Point presentation slides I will post summarizing our class discussions, to copyright related sites on the web, and to the pictures I show in class. The site will grow as the semester progresses. By the end of the course it should provide a solid basis for reviewing the materials. You do have permission to download my summary memos and Power Point slides. **YOU DO NOT HAVE PERMISSION TO DISTRIBUTE ANY OF THIS MATERIAL TO PERSONS NOT REGISTERED IN THE COURSE. LOOK BUT DO NOT TAKE.** Finally, the site contains discussion areas for posting comments and questions about the course. I will read the postings regularly and comment on what is being said. The site also has links allowing you to email me or all of your classmates.

### **Contacting Me:**

My office is Room B307. My office phone is 212-431-2177. I am in my office a great deal with the door open. Feel free to drop by. I will hold formal office hours this semester on Thursday mornings, though you should feel free to stop by at any time to see me. If for some reason you miss me before or after class, fail to find me in my office, and have a conflict with my office hours, please call me or send me an email at [richard.chused@nyls.edu](mailto:richard.chused@nyls.edu). You can also leave a note in the folder on my office door with a phone number where you can be reached in the evening. I will call you back and set up an appointment.

### **Treatises:**

Though copyright treatise and hornbook sources are not commonplace, there should be more than enough to answer all of your basic questions. The most comprehensive work is NIMMER ON COPYRIGHT, a 10 volume treatise. There is also a somewhat shorter treatise available. *See* WILLIAM PATRY, COPYRIGHT LAW AND PRACTICE (3 vol. 1994). Both treatises are regularly updated. In addition, Commerce Clearing House publishes the COPYRIGHT LAW REPORTER and the Bureau of National Affairs the PATENT, TRADEMARK, AND COPYRIGHT LAW REPORTER. They are both regularly updated trade publications. Once past these sources, you are pretty much on your own.

## **READING ASSIGNMENTS**

In the list that follows, page numbers in regular print are assigned reading from the text. Specific readings in the Supplement are in *italics*. In addition, you should read all relevant constitutional, statutory and international legal provisions in the Supplement mentioned in each set of textual readings. Much of this constitutional, statutory and international material is also quoted in the text.

<b>Class</b>	<b>Topic</b>	<b>Assignment</b>
Aug. 24	Introduction	3-42; 349-350; Pay special attention to the problems at p. 18-19.
Aug. 26	Fixation and Originality	45-70; 351-363
Aug. 31	Idea/Expression Dichotomy	72-90
Sep. 2	Derivative Works and Compilations	90-110
Sep. 8	Who is an Author?	110-138; 363-364
Sep. 9	Formalities and Duration	139-169; 365-371
Sep. 14	Renewals and Terminations	169-182
Sep. 16	Transfers	182-188; 371-379; 189-200; 379-384; 200-207; 384-385
Sep. 21	Boundary Problems: Useful Articles	209-235; 387-388
Sep. 23	Boundary Problems: Computer Software	235-269
Sep. 30	Boundary Problems: Architecture	269-280; 388-391
Oct. 5	Boundary Problems: Characters and Databases	280-310; 391
Oct. 7	Owner's Rights: The Reproduction Right	313-364; 393-398
Oct. 12	Owner's Rights: The Distribution Right	365-384; 398-412
Oct. 13	Owner's Rights: Right to Prepare Derivative Works and Moral Rights	385-426; 412
Oct. 19	Owner's Rights: Public Performance and Display	426-443; 413-424
Oct. 21	The Music Industry	443-472; 424-427
Oct. 26	Infringement: Parties and Remedies	473-511; 429-442
Oct. 28	Fair Use: Introduction	525-561; 445-450
Nov. 2	Fair Use: Technical Interchange	561-573; 450-454
Nov. 4	Fair Use: Market Failures	576-602; 454-457
Nov. 9	Technological Protections	603-647; 459-466
Nov. 11	State Law Preemption: Introduction	649-676;
Nov. 16	Publicity Rights, Misappropriation and Preemption	676-699; 467-468
Nov. 18	Contract Law, Misuse and Preemption	468-480; 718-734
Nov. 23	The Copyright Lawsuit	735-761; 481-484
Nov. 30	Remedies	768; 486-499; 776-799; 499-502
Dec. 2	International Issues and Review	762-768; 485-486