

Syllabus

Assignment for the first day of class, Monday, January 8, 2001: Please read and be prepared to discuss pages 1-56 of the Casebook, which consists of the bulk of Chapter 1, "The Concept of Copyright."

How to read the Syllabus: Except as noted below, each assignment below corresponds tentatively to one class period, though the amount of material to be covered in class, the order of the assignments, and/or the contents of a particular assignment may be changed by prior announcement. (Note, for example, that we will have more class meetings than there are assignments.) In this age of the Internet, I will make every effort to incorporate new developments in copyright law into the Syllabus, where appropriate.

Within each assignment, the Syllabus notes the principal case(s) covered in the text. In addition to the assigned readings, where a case or other material refers to the Copyright Act (Title 17 of the United States Code), you are responsible for locating and reading the section(s) of the Act to which the text refers.

I. Introduction

Classes 1 and 2: Origins and History of Copyright

Casebook 1-56

Mazer v. Stein; Sony Corp. of America v. Universal City Studios; American Geophysical Union v. Texaco, Inc.; Burrow-Giles Lithographic Co. v. Sarony; Bleistein v. Donaldson Lithographing Co.; Alfred Bell & Co. v. Catalda Fine Arts, Inc.

II. The Subject Matter of Copyright

Class 3: Originality and Fixation

Casebook 75-90

Feist Publications, Inc. v. Rural Telephone Service; Magic Marketing v. Mailing Services of Pittsburgh; Sebastian Int'l, Inc. v. Consumer Contacts (PTY) Ltd.

Class 4: Idea/Expression

Casebook 90-118

Baker v. Selden; Morrissey v. Proctor & Gamble Co.; Lotus Development Corp. v. Borland International, Inc.; American Dental Ass'n v. Delta Dental Plans Ass'n; Bibbero Systems, Inc. v. Colwell Systems, Inc.

Class 5: Facts and Compilations

Casebook 118-143

Feist Publications, Inc. v. Rural Telephone Service; Rockford Map Publishers, Inc. v. Directory Service Co; Nash v. CBS; Wainwright Securities v. Wall Street Transcript Corp.; Roth Greeting Cards v. United Card Co.; Atari Games Corp. v. Oman

Class 6: Facts and Compilations

Casebook 144-176

Matthew Bender & Co. v. West Publishing Co. (I and II); West Publishing Co. v. Mead Data Central, Inc.; CCC Information Services v. Maclean Hunter Market Reports, Inc.; Bellsouth Advertising & Publishing Corp. v. Donnelly Information Publishing, Inc.

Class 7: Derivative Works

Casebook 183-196

L. Batlin & Son v. Snyder; Maljack Productions, Inc. v. UAV Corp.

Class 8: Pictorial, Sculptural and Graphical Works

Casebook 214-247

Masquerade Novelty Inc. v. Unique Industries; Superior Form Builders, Inc. v. Dan Chase Taxidermy Supply Co.; Kieselstein-Cord v. Accessories by Pearl, Inc.; Carol Barnhart Inc. v. Economy Cover Corp.

III. Ownership and Duration of Copyright

Class 9: Authorship

Casebook 275-311

Andrien v. Southern Ocean County Chamber of Commerce; Community for Creative Non-Violence v. Reid; Aymes v. Bonelli; Carter v. Helmsley-Spear, Inc.; Thomas v. Larson

Class 10: Transfer

Casebook 311-339

Effects Associates v. Cohen; Cohen v. Paramount Pictures Corp.; Boosey & Hawkes Music Publishers, Ltd. v. Walt Disney Co.; Fantasy, Inc. v. Fogarty

Class 11: Duration

Casebook 339-359

Eldred v. Reno, in Supp.

Class 12: Renewals

Casebook 359-383

Stewart v. Abend; Russell v. Price

IV. Formalities

Class 13: Formalities

Casebook 383-415

Estate of Martin Luther King, Jr. v. CBS (OMIT THE VERSION IN THE CASEBOOK; READ THE DECISION OF THE COURT OF APPEALS, WHICH IS AVAILABLE IN THE [SUPPLEMENT](#)); Academy of Motion Picture Arts & Sciences v. Creative House Promotions, Inc.; Hasbro Bradley, Inc. v. Sparkle Toys, Inc.

V. Exclusive Rights

Class 14: The Right to Reproduce the Work

Casebook 415-433

Matthew Bender & Co. v. West Publishing Co.; Arnstein v. Porter; Dawson v. Hinshaw Music, Inc.; Bright Tunes Music Corp. v. Harrisongs Music Ltd.

Class 15: Proving Infringement

Casebook 433-461

Laureyssens v. Idea Group, Inc.; Ringgold v. Black Entertainment T.V., Inc.; Peter Pan Fabrics, Inc. v. Martin Weiner Corp.; Herbert Rosenthal Jewelry Corp. v. Kalpakian; Educational Testing Services v. Katzman; Nichols v. Universal Pictures Corp.; Sheldon v. Metro-Goldwyn Pictures Corp.

Class 16: Proving Infringement

Casebook 461-500

Computer Associates International, Inc. v. Altai, Inc.; Steinberg v. Columbia Pictures Industries; Kisch v. Ammirati & Puris, Inc.

Class 17: The Right to Make Phonorecords

Casebook 501-514

ABKCO Music, Inc. v. Stellar Records, Inc.

Class 18: The Right to Prepare Derivative Works

Casebook 515-532

Horgan, Inc. v. Macmillan, Inc.; Micro Star, Inc. v. Formgen, Inc.; Lee v. A.R.T. Co.; Futuredontics, Inc. v. Applied Anagramics, Inc.; National Geographic Society v. Classified Geographic, Inc., [Pickett v. Prince](#), in [Supp.](#)

Class 19: Moral Rights

Casebook 532-548

Gilliam v. American Broadcasting Cos.; Wojnarowicz v. American Family Ass'n

Class 20: The Right to Distribute

Casebook 548-565

Fawcett Publications, Inc. v. Elliot Publishing Co.; Quality King Distributors, Inc. v. L'anza Research International, Inc.

Class 21: The Right of Public Performance

Casebook 565-583

Columbia Pictures Industries, Inc. v. Aveco, Inc.; Ocasek v. Hegglund

Class 22: The Right of Public Display

Casebook 583-587

Class 23: Special Cases, and Limitations

Casebook 587-608

V. Fair Use

Class 24: Background

Casebook 609-611

Class 25: Applying Fair Use to the Creation of New Works

Casebook 611-647

Campbell v. Acuff-Rose Music, Inc.; *Walt Disney Productions v. Air Pirates*; *Harper & Row Publishers, Inc. v. Nation Enterprises*; *Craft v. Kobler*

Class 26: Applying Fair Use to the Creation of New Works

Casebook 647-666

Castle Rock Entertainment, Inc. v. Carol Publishing Group, Inc.; *Sega Enterprises, Ltd. v. Accolade, Inc.*

Class 27: Applying Fair Use to New Technologies of Copying and Dissemination

Casebook 667-693

Sony Corp. of America v. Universal City Studios, Inc.; *Princeton University Press v. Michigan Document Services, Inc.*

Class 28: Applying Fair Use to New Technologies of Copying and Dissemination

Casebook 693-727

American Geophysical Union v. Texaco, Inc.; *Storm Impact Inc. v. Software of the Month Club*; *Infinity Broadcast Corp. v. Kirkwood*

VI. Enforcement

Class 29: Injunctions and Damages (Substantive Provisions)

Casebook 729-748

Frank Music Corp. v. Metro-Goldwyn-Mayer, Inc.; *Cream Records, Inc. v. Jos. Schlitz Brewing Co.*; *Engel v. Wild Oats, Inc.*; *Feltner v. Columbia Pictures Television, Inc.*

Class 30: Remedies: Miscellaneous

Casebook 748-752

Class 31: Remedies--Secondary Liability

Casebook 752-768

Sony Corp. of America v. Universal City Studios, Inc.; *Fonovisa, Inc. v. Cherry Auction, Inc.*; *A&M Records, Inc. v. Abdallah*; *Religious Technology Center v. Netcom On-Line Communication Services, Inc.*; [*Intellectual Reserve, Inc. v. Utah Lighthouse Ministry, Inc.*](#), in [Supp.](#)

Class 32: Technological Protection Measures: The Digital Millennium Copyright Act

Casebook 768-776

[*Kelly v. ArribaSoft*](#), in [Supp.](#); [*RealNetworks, Inc. v. Streambox, Inc.*](#), in [Supp.](#)

VII. The Future of Copyright

Class 33: Preemption of State Law (Implied)

Casebook 779-787

International News Service v. Associated Press

Class 34: Preemption of State Law--the Constitution (Implied)

Casebook 787-799

Sears, Roebuck & Co. v. Stiffel Co.; *Compco Corp. v. Day-Brite Lighting, Inc.*; *Goldstein v. California*; *Kewanee Oil Co. v. Bicron Corp.*; *Bonito Boats, Inc. v. Thunder Craft Boats, Inc.*

Class 35: Preemption of State Law--the Copyright Act (Express)

Casebook 799-810

Baltimore Orioles, Inc. v. Major League Baseball Players Ass'n

Class 36: Preemption of State Law--the Copyright Act (Express)

Casebook 810-830; 835-843

National Basketball Ass'n v. Motorola, Inc.; *ProCD, Inc. v. Zeidenberg*; *Smith v. Weinstein*

Class 37: International Aspects of Copyright

Casebook 843-879

London Film Productions, Ltd. v. Intercontinental Communications, Inc.; *Boosey & Hawkes Music Publishers, Ltd. v. Walt Disney & Co.*; *Itar-Tass Russian News Agency v. Russian Kurier, Inc.*; *Subafilms, Ltd. v. MGM-Pathe Communications Co.*; *Update Arts, Inc. v. Modiin Publishers*