

Professor Kwall
Fall, 2008
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Office Hours:
Tuesdays before class and by appointment

SYLLABUS: ADVANCED CONCEPTS IN COPYRIGHT LAW: MORAL RIGHTS AND OTHER AUTHORSHIP DOCTRINES

This seminar focuses primarily on the doctrine of moral rights with secondary themes including copyright originality, the work for hire doctrine, the history of the copyright clause, joint authorship, the public domain and the right of publicity. Our primary text will be: ROBERTA KWALL, *THE SOUL OF CREATIVITY: SHOULD INTELLECTUAL PROPERTY LAW PROTECT THE INTEGRITY OF A CREATOR'S WORK?* © 2008 by the Board of Trustees of the Leland Stanford Jr. University, all rights reserved. **No further distribution, use or reproduction of this text is allowed without the prior written permission of the author or the publisher.**

In addition to the regular classes, there will be four guest speakers offering distinct perspectives on moral rights (see Class Schedule below).

COURSE REQUIREMENTS

You will be responsible for reading all of the assigned materials. The majority of these materials are based on the assigned text, but additional assignments also may be made throughout the semester (particularly based on the materials furnished by guest speakers). You also will be responsible for writing a law review article on either 1) a comparison of the US law on moral rights with that of a country of your choice; or 2) a topic of your choice involving copyright law. The Article must contain substantial research and creative analysis. In addition, the following will be required and counted toward the final grade where indicated : 1) outline/initial bibliography (required but not graded); 2) first draft/second bibliography (see section on "Grading" below); and 3) a written critique of a classmate's first draft. The First Draft/Second Bibliography should consist, at a minimum, of the Introduction, the first substantive section of the Article (with full footnotes included) and a detailed outline of the remaining sections. The final Article should be a minimum of 30 pages in length, excluding footnotes (double spaced). Compliance with the most recent edition of *A UNIFORM SYSTEM OF CITATION* is expected. We will have at least two individual conferences during the semester with respect to your papers. Please refer to the meeting schedule in the Course Schedule below. Final papers are due Monday, December 1st by 4:00 P.M. unless other arrangements are made.

GRADING

Your grade will be calculated as follows: All percentages below represent point values. At the end of the semester, I will total a student's points, and assign a grade according to the following values:

90-100-A
87-89-B+
80-86-B
77-79-C+
70-76-C
60-69-D
Below 60-F

Since we are meeting only once a week, class attendance is critical. **Three points will be deducted from the student's grade for every unexcused absence.**

Your grade will be calculated according to the following criteria:

25%- first draft of paper/second bibliography (primary emphasis should be on organization of the entire paper and writing / research of the first substantive section).

15%- critique of classmate's first draft.

60%-final paper (broken down as follows):

25%- Research and familiarity of cases and literature.

25%-Writing (organization, clarity, expression).

10%-Originality and development of ideas.

CLASS SCHEDULE:

PLEASE NOTE THAT BECAUSE OUR REGULARLY SCHEDULED TUESDAY CLASS CONFLICTS WITH SEVERAL RELIGIOUS HOLIDAYS, OUR GUEST SPEAKERS ARE SCHEDULED DURING THE NOON HOUR ON SEPARATE DAYS. **LUNCH WILL BE SERVED.**

Class 1, August 26: - Introduction to seminar and law review article writing; INTRODUCTION AND CHAPTER ONE (THE RELATIONSHIP BETWEEN AUTHORSHIP AND TEXTUAL INTEGRITY).

ALSO, sometime over the first few weeks of class please read the following article by Eugene Volokh, "Writing a Student Article," in 48 Journal of Legal Education 247 (1998). It has much useful information regarding the writing process.

Class 2, September 2: CHAPTER TWO (THE INTRINSIC DIMENSION OF CREATIVITY). **TOPICS MUST BE SELECTED BY THIS CLASS.**

Class 3, September 9th: CHAPTER THREE (THE LEGAL FRAMEWORK GOVERNING TEXTUAL INTEGRITY IN THE UNITED STATES).

SEPTEMBER 15--FIRST GUEST SPEAKER: PROFESSOR LIOR ZEMER, RADZYNER LAW SCHOOL (ISRAEL): *IN DEFENSE OF THE PUBLIC AUTHORSHIP IN COPYRIGHT*

Class 4, September 16: CHAPTER FOUR (INTERNATIONAL NORMS). **Sign up for Conference Times for Week of Sept. 22nd.**

OUTLINE AND INITIAL BIBLIOGRAPHIES DUE SEPT. 18TH AT 4:00 PM

Class 5, September 23: CHAPTER FIVE (OWNERSHIP OF THE AUTHOR'S MESSAGE AND THE PUBLIC DOMAIN).

NO CLASS ON SEPTEMBER 30TH (ROSH HASHANAH)

Class 6, October 7: CHAPTER SIX (MARGINALLY ORIGINAL AND FUNCTIONAL WORKS OF AUTHORSHIP).

NO CLASS OCTOBER 14TH OR 21ST—FIRST DRAFTS DUE OCTOBER 23RD

OCTOBER 23--SECOND GUEST SPEAKER: PROFESSOR JOHN CROSS, UNIVERSITY OF LOUISVILLE: *FREE SPEECH LIITS ON MORAL RIGHTS PROTECTION*

Class 7, October 28: CHAPTER SEVEN (AUTHORS IN DISGUISE AND COLLABORATIVE WORKS)

Sign up for conference time the week of November 3rd.

**NOVEMBER 3--THIRD GUEST SPEAKER: PROFESSOR MARC SHAPIRO,
UNIVERSITY OF SCRANTON: *MORAL RIGHTS IN THE TALMUD: THE CASE
OF ATTRIBUTION***

NOVEMBER 3—CRITIQUES DUE

NO CLASS NOVEMBER 4TH - DRAFT CONFERENCE WEEK

Class 8, November 11: CHAPTER EIGHT (PERSONAS)

**NOVEMBER 13--FINAL GUEST SPEAKER: PROFESSOR AMY ADLER, N.Y.U.
SCHOOL OF LAW: *AGAINST MORAL RIGHTS***

Class 9, November 18: CHAPTER NINE (THE ROLE OF HUMAN RIGHTS AND
AUTHORSHIP NORMS IN PROTECTING TEXTUAL INTEGRITY)

Class 10- November 25 : CHAPTER TEN (LOOKING FORWARD TO LEGAL
REFORM)

FINAL PAPERS DUE DEC. 1