

DE PAUL UNIVERSITY COLLEGE OF LAW

SYLLABUS

COPYRIGHT

Spring 2009

Professor Livingston

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Required Texts

Robert A. Gorman & Jane C. Ginsburg, *COPYRIGHT* (Foundation Press, 7th ed. 2006) [GG].

Jane C. Ginsburg & R. Anthony Reese, *COPYRIGHT, 2008 CASE SUPPLEMENT & STATUTORY APPENDIX* (Foundation Press 2008) [Supp.].

Course Description

This course surveys the relevant federal law affording protection to creators of original works of authorship. This body of law seeks to provide incentives for authors to create new works while at the same time ensuring that the public has appropriate access to and use of expressive material.

In studying copyright, we will examine the scope of the federal copyright statute, the methods for achieving copyright protection, the rights afforded to copyright owners, the requisites for copyright infringement, defenses to infringement such as fair use, and preemption issues. We will also discuss contributory and vicarious infringement and technological protection measures.

Method of Instruction

I use a combination of lecture, case analysis, discussion of the statutes, and problem solving. In addition to studying the assigned cases and statutory sections, work out any problems in the text before class and be prepared to discuss them. In working through the problems, you should focus on the relevant caselaw and the applicable sections of the Copyright Act of 1976.

Method of Evaluation

Student grades will be based primarily on an in-class examination administered at the end of the semester. The examination will consist of a number of essay questions presenting various factual situations that require analysis of the legal issues involved. Essay answers will be graded on the basis of (1) the student's knowledge of the relevant legal principles and their rationale, (2) the student's ability to ascertain the issues presented by the factual situations, (3) the student's ability to analyze possible resolutions, and (4) the cogency and clarity of the student's analysis.

The examination will be entirely open book. Students may use any written materials during the examination, including but not limited to the casebook, the statutory supplement, study guides, class notes and outlines, and treatises.

Excellence in class participation also will be considered in determining the final grade for the course. A student may receive a boost to the next highest grade from that received on the final examination based on his/her class participation..

Blackboard

All students should routinely check the online website for this course through Blackboard. Go to <http://oll.depaul.edu> and follow the instructions.

I will post all handout materials, sample problems, and announcements on Blackboard, and students are responsible for downloading and printing the material for use in class.

ASSIGNMENT SHEET

[You should also read the applicable statutory provisions in the 1976 and 1909 Copyright Acts in the Supplement.]

Week 1

The Concept of Copyright

Gorman & Ginsburg [GG], pp. 1-12, 15-37; 49-74

Week 2

Copyrightable Subject Matter

Basic Concepts

GG, pp. 75-96, Supp. pp. 1-7

Dichotomy between Expression and Facts or Ideas

GG, pp. 96-111

Compilations & Fact Works

GG, pp. 111-124

Week 3

Compilations & Fact Works (cont'd)

GG, pp. 124-163, Supp. pp. 7-8

Derivative Works

GG, pp. 164-181

Computer Programs

GG, pp. 181-206

Week 4

Pictorial, Graphic & Sculptural Works

GG, pp. 206-249, Supp. pp. 8-10

Architectural Works

GG, pp. 252-259, Supp. pp. 10-11

Characters

GG, pp. 259-268, Supp. pp. 11-12

Sound Recordings
GG, pp. 268-273

Week 5

Ownership

Initial Ownership
GG, pp. 301-343, Supp. pp. 13-16

Transfer of Rights
GG, pp. 344-351, 375-387, Supp. pp. 16-18

Week 6

Duration, Renewal & Termination of Transfers

Duration & Renewal
GG, pp. 388-432, 434-435, Supp. pp. 19-32

Duration & Renewal: Derivative Works
GG, pp. 436-446

Week 7

Termination of Transfers
GG, pp. 447-463, Supp. pp. 32-57

Formalities

Pre-1976
GG, pp. 464-478

1976 Act & Berne Amendments
GG, pp. 478-494, Supp. p. 58

Week 8

Exclusive Rights Under Copyright

The Right to Make Copies
GG, pp. 502-588, Supp. pp. 65-73

Week 9

The Right to Make Phonorecords
GG, pp. 589-592, 595-603, Supp. pp. 74-75

Derivative Works/Moral Rights
GG, pp. 603-605, 621-635, 640-647, Supp. pp. 76-88

Week 10

The Right to Distribute
GG, pp. 647-657, Supp. pp. 89-98

The Right to Perform & Publicly Display
GG, pp. 664-681, 686-698, 700-704, 681-686, Supp. pp. 98-104

Week 11

Fair Use
Fair Use & the Creation of New Works
GG, pp. 715-768, 776-785, Supp. pp. 105-109

Week 12

Fair Use & New Copying Technologies
GG, pp. 785-815, 824-847, Supp. pp. 109-116

Week 13

Federal Preemption of State Law
Supremacy Clause Preemption
GG, pp. 1006-1018

Section 301 Preemption
GG, pp. 1018-1054, Supp. pp. 175-176

Week 14

Secondary Liability
GG, pp. 853-857, 866-883, Supp. pp. 117-144

Enforcement: Technological Protection Measures
GG, pp. 944-950, 964-982, Supp. pp. 161-165