



U.S. Copyright Law

INFO 4940/5940

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Foundations of Copyright Law

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Copyright Overview

- It's in the U.S. Constitution!



Created by Luis Prado
from the Noun Project

Article I Section 8 | Clause 8

Patent and Copyright Clause of the Constitution

[The Congress shall have the power]

“To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.”

Copyright Overview

- Federal laws designed to balance:

Rights of
authors to
protect
and monetize
their work

(Exclusive Rights)



Rights of the
public to access
knowledge
and advance
society.

(Limitations)

But what **works** are protected?

Copyright Overview

- Fixed, original, creative works¹
- Not facts (not creative), but...
- ...creative presentation/compilation of facts

¹Literary works; musical works; dramatic works, choreography, pantomimes; pictorial, graphic, sculptural works; motion pictures; other A/V, sound recordings, architectural works.

Copyright Overview

Exclusive rights of copyright owners

- **Reproduction**
 - Make physical/digital copies for colleagues, students, others
- **Distribution**
 - Distribute physical/digital copies to colleagues, students, others
- **Publicly display**
 - Show video of your field work in the classroom, at conferences
- **Publicly perform**
 - Show photos, exhibits, figures from your work in the classroom, at conferences
- **Create derivatives**
 - Prepare subsequent article, chapter, book that builds upon original or prior research on a particular topic



Foundations of Copyright Law

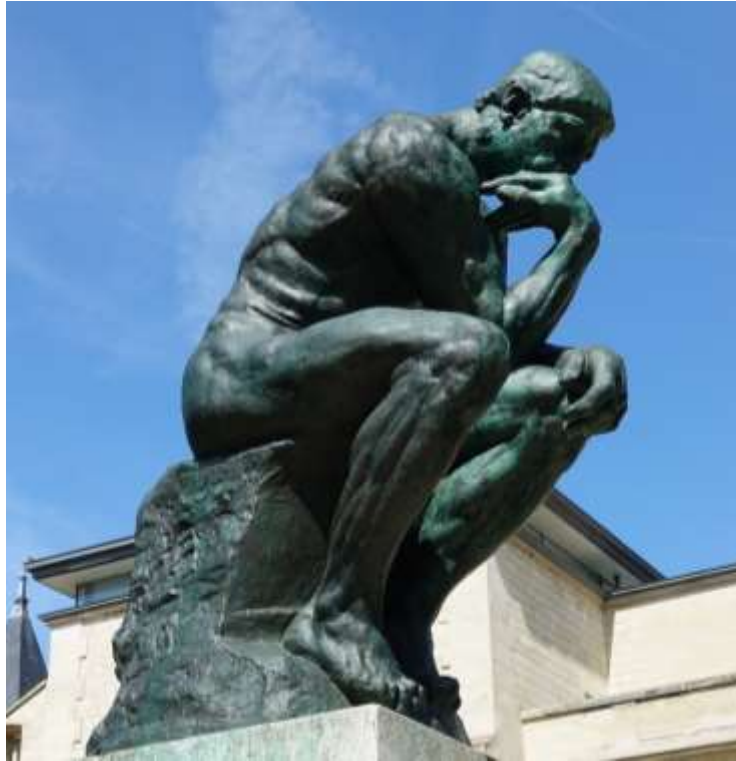
Part I

Originality

Originality

- What makes a work “original”?
 1. Independent Creation

“The Thinker” by Auguste Rodin



Source: [CrisNYCa on Wikipedia](#)





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Tools



Ads - Shop rodin thinker replica

<p>Rodin - The Thinker Statue - Small / ...</p> <p>\$55.00</p> <p>musartboutique.co...</p>	<p>PRICE DROP</p> <p>Big Size The Thinker Statue, Th...</p> <p>\$90.00</p> <p>Etsy</p> <p>Was \$199</p>	<p>Culture Spot Thinker Statue by...</p> <p>\$42.00</p> <p>Amazon.com</p> <p>Free shipping</p>	<p>The Thinker Statue by Rodin Bronze...</p> <p>\$249.00</p> <p>Amazon.com</p> <p>Free shipping</p>	<p>Rodin'S Thinker Garden Statue...</p> <p>\$215.00</p> <p>Design Toscano</p> <p>★★★★★ (6)</p>	<p>Vintage 1971 'The Thinker' Sculpture...</p> <p>\$91.00</p> <p>Etsy</p> <p>Used</p>	<p>Magicsculp-The Thinker Statue in...</p> <p>\$87.00</p> <p>Amazon.com</p> <p>Free shipping</p>
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<p>The Thinker by Rodin ...</p> <p>musenize.com - Out of ...</p>	<p>The Thinker Vintage Thinker...</p> <p>etsy.com - In stock</p>	<p>The Thinker Statue by Rodi...</p> <p>amazon.com</p>	<p>Aston's Grand Thetiot the Think...</p> <p>wayfair.com - In stock</p>	<p>The Thinker Statue Sculpture by...</p> <p>aliexpress.com</p>	<p>The THINKER Bronze S...</p> <p>etsy.com - In stock</p>	<p>The 1 ...</p> <p>amazon</p>
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“Mona Lisa” by Leonardo da Vinci



Originality

- What makes a work “original”?
 1. Independent Creation
 2. Modest amount of Creativity

Originality: Not Required

- Novelty

Novelty

“Borrowed the work must indeed not be, for a plagiarist is not himself pro tanto an ‘author’; but if by some magic a man who had never known it were to compose anew Keats’s Ode on a Grecian Urn, he would be an ‘author,’ and, if he copyrighted it, others might not copy that poem, though they might of course copy Keats’s.”

Originality: Not Required

- Novelty
- Intent to be Original

Intent to be Original

“A copyist’s bad eyesight or defective musculature, or a shock caused by a clap of thunder, may yield sufficiently distinguishable variations. Having it hit upon such a variation unintentionally, the ‘author’ may adopt it as his and copyright it.”

Alfred Bell (CA 1951)

Originality: Not Required

- Novelty
- Intent to be Original
- Artistic

THE GREAT WALLACE SHOWS

COLOSSAL 3 RING CIRCUS, 2 ELEVATED STAGES.

STIRK FAMILY

FINEST HORSES OF ANY SHOW ON EARTH

MUSEUM AND MENAGERIE

THE HIGHEST CLASS CIRCUS IN THE WORLD

THE RENOWNED STIRK FAMILY, WHOSE FAME FOLDS IN THE ORB 'O THIS EARTH. THE GLASS OF FASHION AND THE MOLD OF FORM. THE HIGHEST OF HIGH CLASS ACTS. MARVELOUS AND ORIGINAL EVOLUTIONS BY ADULT AND JUVENILE EXPERTS. AN ENORMOUSLY EXPENSIVE FEATURE OF THE WORLDS BEST SHOW.

Artistic: Aesthetic Neutrality

- Judges lack experience
- Fear of elitism
- Opposition to Paternalism
- Subjective nature of art

Originality: Not Required

- Novelty
- Intent to be Original
- Artistic
- Noncommercial

Originality: Not Required

- Novelty
- Intent to be Original
- Artistic
- Noncommercial
- Lawful Content

Originality

- What makes a work “original”?
 1. Independent Creation
 2. Modest amount of Creativity

Modest Amount of Creativity

A work must possess “at least some minimal degree of creativity. To be sure, the requisite level of creativity is extremely low; even a slight amount will suffice. The vast majority of works make the grade quite easily, as they possess some creative spark, ‘no matter how crude, humble or obvious’ it might be”.

Feist (SCOTUS 1991)



Originality

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