



# U.S. Copyright Law

INFO 4940/5940

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Foundations of Copyright Law (Part II)

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# Refresher

- What makes a work “original”?
  1. Independent Creation
  2. Modest amount of Creativity
- What’s not required?
  - Novelty
  - Intent to be Original
  - Artistic
  - Noncommercial
  - Lawful Content



# Foundations of Copyright Law

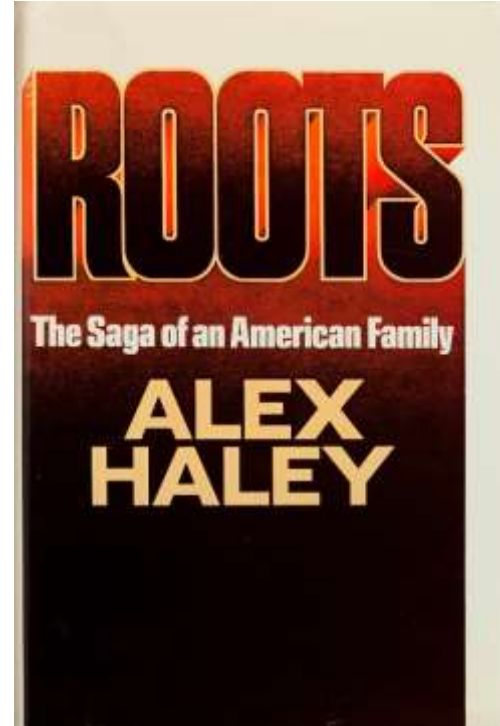
## Part II

### Idea v. Expression

## 17 USC 102(b)

*“In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.”*

## Scènes à Faire Doctrine



# Scènes à Faire Doctrine

*“These are incidents, characters or settings which are as a practical matter indispensable, or at least standard, in the treatment of a given topic. Attempted escapes, flights through the woods pursued by baying dogs, the sorrowful or happy singing of slaves, the atrocity of the buying and selling of human beings, and other miseries are all found in stories at least as old as Mrs. Stowe’s.”*

Alexander v. Haley, 1978

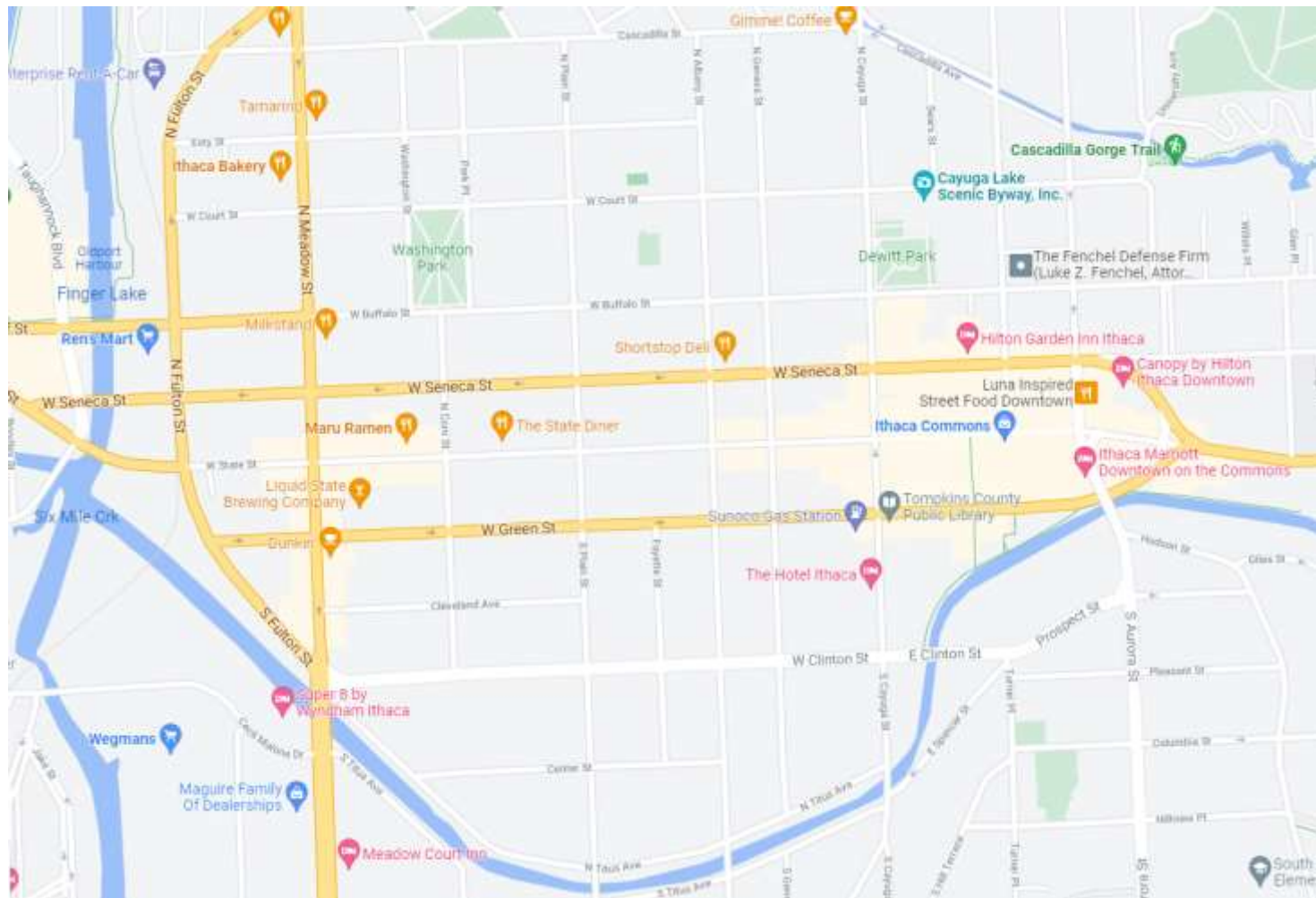
# Ideas v. Expression



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- Recipes / Cookbooks
- Maps





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- History



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# Foundations of Copyright Law

## Part III

### Multilateral Treaties

# International Framework: Historically

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- Historically, copyright laws in different countries differed drastically
  - E.g. Moral Rights



# Convergence of National Copyright Laws

## 3 Trends

- Elimination of discrimination against foreign authors
- Mitigation of variations across countries
  - E.g. Reduction in differences concerning meaning of “originality”
- Increase in scope, strength, and duration of copyright protection in all countries

# Multilateral Treaties

- Berne Convention
- Universal Copyright Convention
- Rome Convention
- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)
- WIPO Copyright Treaty
- WIPO Performances and Phonograms Treaty
- WIPO Treaty on Exceptions for the Visually Impaired