



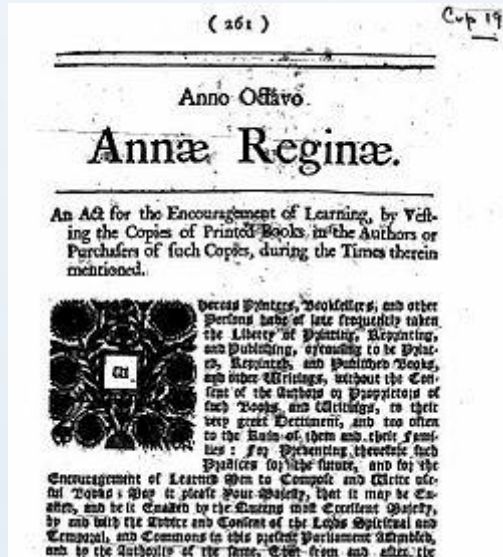
Copyright

Law 115 | Week 2 | Lecture 4
Rachael Vaughn

Agenda

1. Origins of US Copyright Law
2. What is Protected
3. Copyright Rights
4. Who Owns the Copyright
5. How to Get Protection
6. Example (if there is time)

Origins of US Copyright Law



1710: Statute of Anne (England)

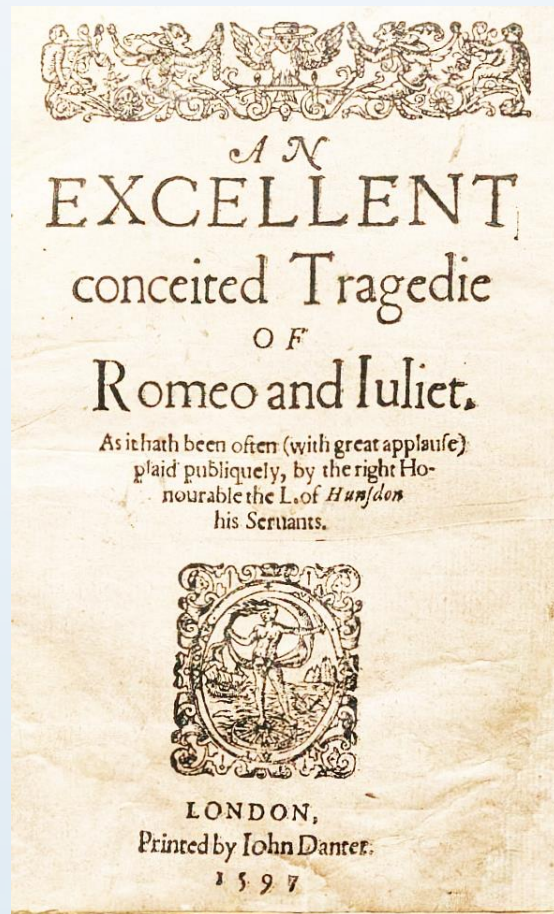
1787: U.S. Constitution Article I, Section 8, Clause 8

Congress is authorized “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.”



1790: Copyright Act

What is Protected (consider revision)



Copyright protects the expression of the idea, but not the idea itself.

Specifically copyright law protects “original works of authorship fixed in a tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.” 17 USC § 102(a), § 103.

What is Protected

Two Requirements→

1. Originality

- Does NOT mean new, novel, or unique
- An original work “owes its origin” to the author

2. **Fixation:** a work is fixed in a tangible medium of expression when it is “embodied in a way that is sufficiently permanent or stable to permit it to be perceived or otherwise communicated for more than a transitory period.”

What is Protected

The following works are “works of authorship” eligible for copyright protection:

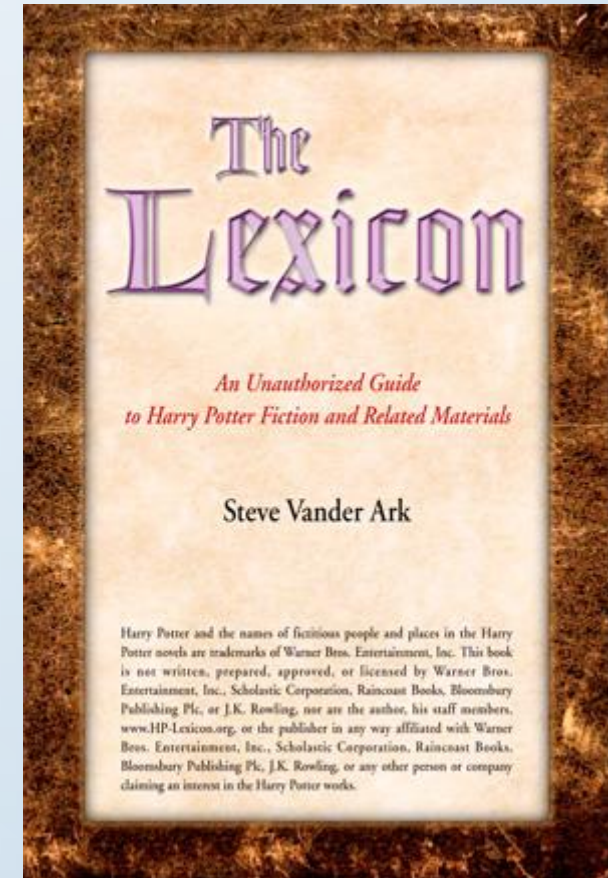
1. Literary works
2. Musical works
3. Dramatic works
4. Pantomimes and choreographic works
5. Pictorial, graphic, and sculptural works
6. Motion pictures and audiovisual works
7. Sound recordings
8. Compilations
9. Derivative works



What is Protected

Are any of the following protectable under copyright?

1. Artistic representation about a historical event
2. “Fictional facts”
3. Recipe for chicken soup
4. Software code



Copyright Rights

Copyright protection is an assortment of exclusive rights:



- Making copies
- Distribution (sale, lease, license)
- Public performance
- Public display
- Creating derivative works (see next slide)
- Moral rights in some cases (attribution and integrity)

Copyright Rights: Derivative Works

Derivative works are creative works derived from other creative works.

- Translation of a novel
- Dramatization of an artistic work
- Abridged version of a literary work
- Screenplay and movie adaptation of a novel

Everything is a Remix Part 1



- <http://www.everythingisaremix.info/everything-is-a-remix-part-1/>
- <http://vimeo.com/14912890>

Who Owns the Copyright

Default Rule = the **author** of the work owns the copyright unless

- The work qualifies as a “work made for hire” OR
- The author assigned the copyright to someone else

Two Types of Work Made for Hire

1. **Employee/Employer:** Work was made by an employee as part of the scope of her employment
2. **Other type:** the work is...
 - Commissioned or specially ordered
 - Parties sign an agreement specifying work for hire
 - Work falls into one of nine categories

How to Get Protection

- Copyright protection is automatic at creation – from the moment the “expression” is “fixed”
- Copyright registration through US Copyright Office is NOT required to obtain rights
- Use of the © symbol informs others you recognize your rights and will enforce them, but it is NOT required to maintain rights



Example

