

Copyright Law
Lewis & Clark Law School
Syllabus Spring 2007 version 1.5
 Prof. H. Tomás Gómez-Arostegui

Casebook: J.E. Cohen, L.P. Loren, R.L. Okediji, and M.A. O'Rourke, COPYRIGHT IN A GLOBAL INFORMATION ECONOMY (Aspen Publishers: 2d ed. 2006) [hereinafter LOREN].

Statutory Supplement: LOREN also has a separate statutory supplement. Though the casebook often includes excerpts from the Copyright Act or other regulatory instruments, you will often want to read the full statutory section from the Statutory Supplement. Also keep in mind that many words used in the Copyright Act are defined in § 101. You should **always** refer to § 101. I will never assign § 101 because I want you to get into the habit of always checking on your own to see what is there.

Web Supplement: Some readings will be posted on my class website as PDFs for you to download; they will be posted at: <http://www.law.lclark.edu/faculty/tomas/copyright.html> [hereinafter WEB]. WEB supplements are typically reserved for very recent cases that are not included in the casebook. As such, you will not see any in this first version of the syllabus. I may amend the syllabus at a later date to include some.

Meeting Time: We meet every Wednesday and Friday, 10:30 am to 12:00 pm, in Classroom 7.

Student Obligations and Evaluation: You are required to attend class, read the assignments, and participate in class. Your grade for the course will largely be based upon a single, one-draft, 25-30 page paper, due at the end of the semester. The paper satisfies your B-paper requirement. If you are interested in making it an A-paper, you must consult me during the first week of class and obtain my approval. Class participation can also affect your grade. Your participation may merit a one-step upward or one-step downward adjustment from your paper grade, or no adjustment at all.

Contact Information: My office is on the top floor of the LRC, No. 320. My phone number is 503-768-6816, and my e-mail is tomas@lclark.edu. My office hours are, essentially, the hours I am not teaching. So drop by any time. I have also set aside the following times for office hours: Tuesdays 10:30 am to 12:00 pm and 6:00 to 7:00 pm, and Wednesdays 3:00 to 4:30 and 6:00 to 7:00 pm. If those times do not work for you, and you want to make sure I will be around when you drop by, just contact me and we can schedule an appointment for another time.

Class & Day	Topics	Materials	Explanatory Notes
[--] Wed 1/17	SNOW DAY	CLASS CANCELED	
[01] Fri 1/19	Introduction: Overview, History, and Regulatory Frameworks	LOREN 3-5, 19-42 [total 26 pp]	SKIM 28-29
[02] Wed 1/24	Subject Matter: Fixation and Originality	LOREN 45-72 [total 27 pp]	SKIP: note 1 on p. 64; note 7 on p. 65; notes on p. 67; note 5 on p. 72
[03] Fri 1/26	Subject Matter: Idea/Expression Dichotomy	LOREN 72-90 WEB <i>Kay Berry</i> Case [total 22 pp]	

[04] Wed 1/31	Subject Matter: Derivative Works & Compilations	LOREN 90-110 [total 21 pp]	
[05] Fri 2/2	Authorship	LOREN 110-38 [total 29 pp]	
[06] Wed 2/7	Formalities	LOREN 139-52, 741-44 [total 17 pp]	
[07] Fri 2/9	Duration, Renewals, and Terminations	LOREN 153-82 [total 30 pp]	
[08] Wed 2/14	Mechanics of Transfer	LOREN 182-207 [total 24 pp]	
[09] Fri 2/16	Boundary Problems: Introduction and Useful Articles	LOREN 209-35 [total 25 pp]	
[10] Wed 2/21	Boundary Problems: Computer Programs	LOREN 235-69 [total 32 pp]	
[11] Fri 2/23	Boundary Problems: Architectural Works and Characters	LOREN 269-90 [total 21 pp]	
[12] Wed 2/28	Boundary Problems: Databases	LOREN 290-310 [total 21 pp]	
[13] Fri 3/2	Elements of Infringement; Reproduction Right and the Substantially-Similar Copy (Classic Cases)	LOREN 313-36 [total 24 pp]	
[14] Wed 3/7	Reproduction Right and the Substantially-Similar Copy (Contemporary Cases)	LOREN 336-59 [total 24 pp]	
[15] Fri 3/9	Reproduction Right and the Exact Copy; Distribution Right	LOREN 359-84 [total 26 pp]	
[16] Wed 3/14	Right to Prepare Derivative Works	LOREN 385-408 [total 24 pp]	
[17] Fri 3/16	Moral Rights	LOREN 408-26 WESTLAW: <i>Pollara</i> , 344 F.3d 265 (2d Cir. 2003); <i>Phillips</i> , 459 F.3d 128 (1st Cir. 2006) [total 40 pp]	

[18] Wed 3/21	Public Performance and Display Rights; Statute of Limitations; Laches	LOREN 426-43, 744-47 WESTLAW: <i>Kling</i> , 225 F.3d 1030 (9th Cir. 2000); <i>Danjac</i> , 263 F.3d 942 (9th Cir. 2001) [total 40 pp]	FOCUS on the laches portion of the opinions
[19] Fri 3/23	The Music Industry	LOREN 443-72 [total 29 pp]	
[--] Wed 3/28	SPRING BREAK		
[--] Fri 3/30	SPRING BREAK		
[20] Wed 4/4	Direct Infringement; Secondary Liability (Vicarious, Contributory, and Inducement Theories)	LOREN 473-501 [total 28 pp]	
[21] Fri 4/6	Liability of Online Service Providers; Criminal Copyright Infringement	LOREN 501-23 [total 22 pp]	
[22] Wed 4/11	Fair Use I	LOREN 525-59 [total 35 pp]	
[23] Fri 4/13	Fair Use II	LOREN 560-75 [total 16 pp]	
[24] Wed 4/18	Fair Use III	LOREN 576-602 [total 27 pp]	
[25] Fri 4/20	Technological Protection Measures	LOREN 603-44 [total 39 pp]	SKIM 640-44
[26] Wed 4/25	Preemption	LOREN 666-95; 699-709 [total 38 pp]	SKIP Notes and Questions on pp 674-76
[27] Fri 4/27	Litigation: Standing and Declaratory Relief Civil Remedies: Injunctions, Seizure, and Impoundment	LOREN 747-53; 758-61; 768-77 WESTLAW: <i>TBD</i> [total 17 + __ pp]	
[28] Fri 4/27 Afternoon	Civil Remedies: Damages, Profits, Statutory Damages, and Attorneys' Fees	LOREN 777-99 [total 23 pp]	