

COPYRIGHT
Prof. Zvi Rosen, Fall 2022
Email: zvi.rosen@siu.edu
Office: Room 232

Overview

This course covers the basics of copyright law. We will explore fundamentals of copyright ownership, infringement, and defenses including fair use.

Class will meet on Mondays and Wednesdays from 3 pm to 4:15 pm in Room 206.

Required Reading

The book for this class is **Copyright Law: Cases and Material**, available at <http://copyrightbook.org/download>. We'll be using the latest version (Version 4.0), which is available print-on-demand if you want for around \$15. Some additional reading will be posted to TWEN.

Attendance Policy

Attendance is mandatory. If you miss more than six classes you will not be able to take the final exam.

Participation

Students are expected to be prepared for class – you've paid to be here and the way to get the most out of this class is to do the reading before class so you understand what's going on in class. Excellent participation can result in a one-step raise in your grade in this class, and notably poor participation can result in a one-step reduction in your grade.

Writing Assignment

The writing assignment is going to be to write a mock letter opinion in response to an applicant for copyright registration. Details will be shared on TWEN.

Class Website

There is a class website on TWEN, which is part of your Westlaw account. I will be endeavoring to share as much as possible there, including slides and other materials. Students are expected to monitor the TWEN site, although I'll also alert students in class and electronically of when materials are added there.

Video Recordings of Lectures

All classes will be recorded and posted, subject to the caveat that there may be technical glitches. A recording of a class is not a substitute for real-time participation, and you may also want to ask another student to take notes for you if you are unable to be present.

Grading

Your grade is determined by a combination of class participation and completing ungraded

assignments (15%), writing assignment (20%) and final exam (65%). The final exam schedule will be posted to the law school website. Both the writing assignment and final exam will be administered electronically.

Office Hours

I encourage everyone schedule a conversation with me, whether to talk about class material, career goals, or anything else. Too often, students who are struggling don't come to office hours until the end of the semester. Remember—don't be ashamed, and ask me your questions as they come up – waiting until days before the final is hazardous.

Workload Expectations

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), a “credit hour” is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time. This is a 3-credit hour class, meaning that we will spend two 75-minute blocks of time together each week (scheduled for Wednesday and Friday, except for the initial class scheduled during Orientation Week). The amount of assigned reading and out of class preparation should take you about 6 hours for the week. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending a total of 9 hours per week (3 in class and 6 preparing for class) on course-related work.

COVID-19

SIUC's policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC's COVID website (<https://siu.edu/coronavirus>), which includes the Saluki Safety Plan. People can also send email to pandemicinfor@siu.edu.

Saluki Cares

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students, and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or siucares@siu.edu, <https://salukicare.siu.edu/>. Assistant Dean Judi Ray is available at the School of Law to help students access university resources. Please email her at judiray@siu.edu, or call 618- 453-3135.

Disability Policy

SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and

services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations. SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.

Emergency Procedures

We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit <http://emergency.siu.edu/>.

Provisional Reading

This reading is tentative—updated syllabuses will be posted to the TWEN class website. When problems are assigned, you only need to read them before class unless the syllabus says otherwise.

August 22	Intro to Copyright & Fixation – 1-22
August 24	Fixation and Originality – 22-44
August 29	Derivative Works and Idea/Expression – 44-75
August 31	Copyrightable Subject Matter – 76-100
September 5	Labor Day – no class.
September 7	Software and Architecture – 101-135
September 12	Authorship and Ownership – 137-162
September 14	Formalities and Duration – 163-181
September 19	Duration (again) and more – 177-211
September 21	Copying 1 – 213-237
September 26	Copying 2 – 238-257
September 28	Copying 3 and Distribution – 258-289
October 3	Derivative Works – 289-309
October 5	Fundamentals of Fair use – 389-418
October 10	Fair Use 2 –463-505 (moved this part ahead for Warhol v. Goldsmith)
October 12	No class, skim briefs and listen to oral argument in Warhol v. Goldsmith
October 17	Fair Use 3 – 419-441
October 19	Fair Use 4 – 441-462
October 24	Characters and Moral Rights – 309-339
October 26	Public Performance/Display – 339-364
October 31	Music – 364-388
November 2	Liability – 507-529
November 7	Safe Harbors – 529-555
November 9	Devices – 555-575
November 14	Litigation and Remedies – 577-613
November 16	Technological Protections – 615-642
Nov. 21, 23	No Class - Thanksgiving
November 28	Copyright and Contracts – 643-667
November 30	Misuse and Preemption – 667-693
December 6 through December 16	- finals weeks