

# Copyrights & Content Management Spring 2023 Syllabus

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**Meetings**      **Location:** A-111  
**Class Times:** TR 10:00-11:30 AM  
**Office Hours:** Signups on Canvas  
**Times:** Listed on Canvas  
**Academic Calendar:** [Link](#)

**Evaluation**      This is a skills-based course. We will cover substantive black letter law in class but **there is no final exam**. Rather, your evaluation will be based on a client simulation in which you will apply substantive law to solve problems:

|  |     |
|--|-----|
| <b>Project I</b> ( <i>Advising Creative Start-Ups</i> )          | 30% |
| <b>Project II</b> ( <i>Copyright Registration Applications</i> ) | 30% |
| <b>Project III</b> ( <i>Copyright Litigation</i> )               | 30% |
| <b>Participation &amp; Professionalism</b>                       | 10% |

**Materials**      **Casebook:** Fromer & Springman, *Copyright Law: Cases and Materials* (4th ed. 2022). The book is available both electronically (for free) and in print (for ~\$15.00) here: <http://copyrightbook.org> ISBN: 979-8838712318

**Coverage**      This is a comprehensive course in copyright law, with a special technological focus. Copyright law stands at the forefront of law of the digital era, fostering and sometimes frustrating the creation and dissemination of human culture. By providing exclusive—but limited—rights to “original works of authorship,” copyright protects not just traditional media such as books, songs, and movies, but also electronic works found in YouTube videos, streaming media, and computer code. Because copyright issues are so prevalent in modern society, a modern lawyer should have a solid grounding in copyright law. This course covers major topics in copyright law, such as originality, authorship, ownership, duration, the exclusive rights, infringement, fair use, and enforcement. **This course may be used towards the St. Thomas Law Intellectual Property certificate (IPL @ STU) program. It also provides skills credits.**

**Objectives**      **Learning outcomes.** The goals for this course include:  
*Copyright law and theory* (STU outcomes # 1-3): Examples include authorship, originality, ownership, registration, assignment and licensing, infringement, fair use and other defenses, and issues arising under digital copyright.

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*Integrating law and theory with practice skills and professional values* (STU outcomes # 1-7): Developing basic practitioner proficiency in tasks common to copyright lawyers and tying professional values into copyright practice.

- Prof'l** Your reputation earned while in school will follow you into practice. As the [Florida Bar](#) makes clear: "[t]he essential ingredients of professionalism are character, competence, commitment, and civility." I expect the same in class. *Note:* while I am licensed to practice in Florida, I am not your lawyer.
- Policy** Do not be afraid to ask questions, express opinions, or challenge my representations, however, please contribute only after reflection and deliberation.
- Plagiarism** Except in the limited circumstance when I permit you to use pre-existing materials, any work product you hand in must be written and created solely by you. Any violation of this policy will be dealt with harshly and may constitute a violation of the *St. Thomas University College of Law Honor Code*.
- Technology** [The Florida Bar wants technologically competent lawyers.](#) You are free to use technology in whatever manner you deem, in your reasonable judgment, best to advance your professional development in my class, if you do so in a manner that does not distract your classmates. However, **your phone should be put away on silent and you are not permitted to record any portion of class.**
- Copyright** All class materials constituting my works of authorship are subject to a [Creative Commons CC-BY-SA 4.0 License](#). Rights in all other materials are retained by their respective publisher.
- Absences** **There are no excused absences in this class. It is your responsibility to sign the attendance sheet.** You are permitted to miss 20% of this course's sessions under both STU College of Law and ABA Policy. If you have a personal, family, or other emergency problem that will cause you to miss 20% or more of class, you need to contact the Assistant Dean for Student Affairs, as soon as possible.
- Tardiness** [A professional arrives early](#) and [never makes excuses](#). Habitual tardiness or unpreparedness will result in a 0% toward participation and professionalism.
- Accom.** If you believe that you need or are entitled to receive accommodations due to a disability, please consult with the Assistant Dean for Student Affairs as soon as possible. Further information can be found at: <http://www.stu.edu/law/students/disability-accommodations>.
- Amend.** I reserve the right to amend the syllabus as I deem necessary, for any reason, with written notice to you through Canvas or email.

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### Readings

| Date   | Topic   | Pages                      |
|--------|---|----------------------------|
| Jan 10 | Copyright Theory                                      | 1-13                       |
| 12     | Fixation; Originality I                               | 17-33                      |
| 17     | Originality II; Derivative Works & Compilations       | 33-58                      |
| 19     | Idea-Expression                                       | 59-76                      |
| 24     | Copyrightable Subject Matter; Useful Articles         | 76-97                      |
| 26     | Computer Software I (Software)                        | 101-18                     |
| 31     | Computer Software II (Video Games)                    | 118-29; (WIPO 7-11; 89-96) |
| Feb 2  | Computer Software III (DRM & NFTs)                    | 615-29; 636-42; (Handout)  |
| 7      | Authorship & Ownership                                | 137-45; 147-62             |
| 9      | Formalities & Duration                                | 163-81                     |
| 14     | Duration Policies; Renewals & Terminations            | 181-93; 201-12             |
| 16     | Infringement; §106 (Reproduction I)                   | 213-21; 224-25; 229-37     |
| 21     | <b>Monday Classes Meet</b>                            |                            |
| 23     | §106 (Reproduction II)                                | 238-51; 258-67             |
| 28     | §106 (Distribution)                                   | 270-89                     |
| Mar 2  | §106 (Derivatives); Fictional Characters              | 289-309; 313-17            |
| 7      | <b>Spring Break</b>                                   |                            |
| 9      | <b>Spring Break</b>                                   |                            |
| 14     | Moral Rights & §106A                                  | 317-39                     |
| 16     | §106 (Public Performance & Display)                   | 339-64                     |
| 21     | Music   | 364-89                     |
| 23     | Direct & Secondary Liability                          | 507-29                     |
| 28     | ISP Liability; §512 Safe Harbors                      | 529-54                     |
| 30     | Device Manuf. Liability                               | 555-75                     |
| Apr 4  | Fair Use (Foundational)                               | 389-418                    |
| 6      | <b>Easter Break</b>                                   |                            |
| 11     | Fair Use (Research; Indexing; Journalism)             | 419-41                     |
| 13     | Fair Use (Education; Indexing)                        | 441-62                     |
| 18     | Fair Use (Software)                                   | 463-82                     |
| 20     | Fair Use (Appropriation)                              | 482-507                    |
| 25     | Remedies; Copyrights Claims Board; Criminal Liability | 582-98; 604-14             |
| 27     | <b>Group Discussions</b>                              |                            |