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Spring 2024 Syllabus

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SYLLABUS

Meetings

Room	201
Class Times	TR 10:15-11:45 am
Office Hours	Appointments on Canvas
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 simulated problems:

Project I (<i>Advising Creative Start-Ups</i>)	30%
Project II (<i>Copyright Registration Applications</i>)	30%
Project III (<i>Copyright Litigation</i>)	30%
Art Appreciation	5%
Participation & Professionalism	5%

Materials **Required Casebook:** Fromer & Springman, *Copyright Law: Cases and Materials* (5th ed. 2022). The book is available both electronically (for free) and in print (for ~\$15.00) here: <http://copyrightbook.org> ISBN: 979-8838712318

Scope 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.**

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.

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.

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- Participation** Professionalism in class is a minimum expectation. The [Florida Bar](#) makes clear:
- Professionalism is the pursuit and practice of the highest ideals and tenets of the legal profession. It embraces far more than simply complying with the minimal standards of professional conduct. The essential ingredients of professionalism are character, competence, commitment, and civility.
- Inclusion** There are no "stupid questions" in my class. Do not be afraid to ask questions, express opinions, or challenge my representations, however, please contribute only after reflection and deliberation. All perspectives and opinions are welcome.
- Plagiarism** Outside assistance from others, human or otherwise, without my express authorization, will not be tolerated. Any violation of this policy constitutes 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 done in a manner that does not distract your classmates. However, your phone should be put away on silent. You are not permitted to record or photograph class discussions.
- Attendance** There are no excused absences in this class.
- 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. It is your responsibility to sign the attendance sheet before you leave the room. I do not retroactively correct the attendance sheet. No exceptions.
- Tardiness** [A professional arrives early](#) and [never makes excuses](#). Late students are not admitted as I lock the door at the start of lecture starting the second week of classes. Habitual unpreparedness will result in an earned zero for participation.
- Disability** If you believe you need or are entitled to receive accommodations due to a disability, contact the Assistant Dean for Student Affairs as soon as possible. <http://www.stu.edu/law/students/disability-accommodations>.
- Copyright** All class materials constituting my works of authorship are subject to a [Creative Commons CC-BY-NC-ND 4.0 International License](#). These include my study guide and other practice materials. You are not permitted to record or photograph my PowerPoints during class, as I provide you copies with proper attribution.
- Rights in all other materials are retained by their respective owners.
- Changes** I reserve the right to amend the syllabus as I deem necessary, for any reason, with written notice to you through Canvas or email.
- Legal** While I am a Florida licensed lawyer, I am not **your** lawyer.

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SCHEDULE

Date	Topic	Reading
Jan 9	Intro, Fixation	1-6, 10-13, 17-26
11	Originality	26-45
16	Derivative Works & Compilations	45-59
18	Idea-Expression Dichotomy	59-75
23	Copyright Subject Matter	75-100
25	Computer Software	100-28
30	Authorship & Ownership	137-62
		<i>Re: Zarya of the Dawn</i>
Feb 1	Formalities, Duration Rules	163-81
6	Duration Policy	181-201
8	Renewals; Reproduction I	201-24
13	Reproduction II	225-51
15	Reproduction III	251-70
20	Monday Classes Meet	
22	Distribution	270-289
27	Derivatives	289-308
29	Fictional Characters	308-316
		<i>Atari v. Philips</i>
Mar 4-8	Spring Break	
12	Moral Rights	317-39
14	Public Performance & Display	339-64
19	Music	364-389
21	Fair Use I (Foundational)	391-420
26	Fair Use II (Research; Indexing; Journalism)	420-443
28	Easter Break	
Apr 2	Fair Use III (Education; Indexing)	443-465
4	Fair Use IV (Software; Appropriation I)	465-489
9	Fair Use V (Appropriation II)	489-521
11	Direct & Secondary Liability	523-545
16	Liability of ISPs; Section 512 Safe Harbor	545-570
18	Device Manuf.	570-590
23	DRM and NFTs	629-643; 650-656
		Copyright Vulnerabilities in NFTs
25	Class Discussion	