



Expression
Copyright

Infringement Analysis, Exclusive Rights

Eric E. Johnson
ericejohnson.com



Kononmark
Most rights sharable



Subject to sections 107 through 122, the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

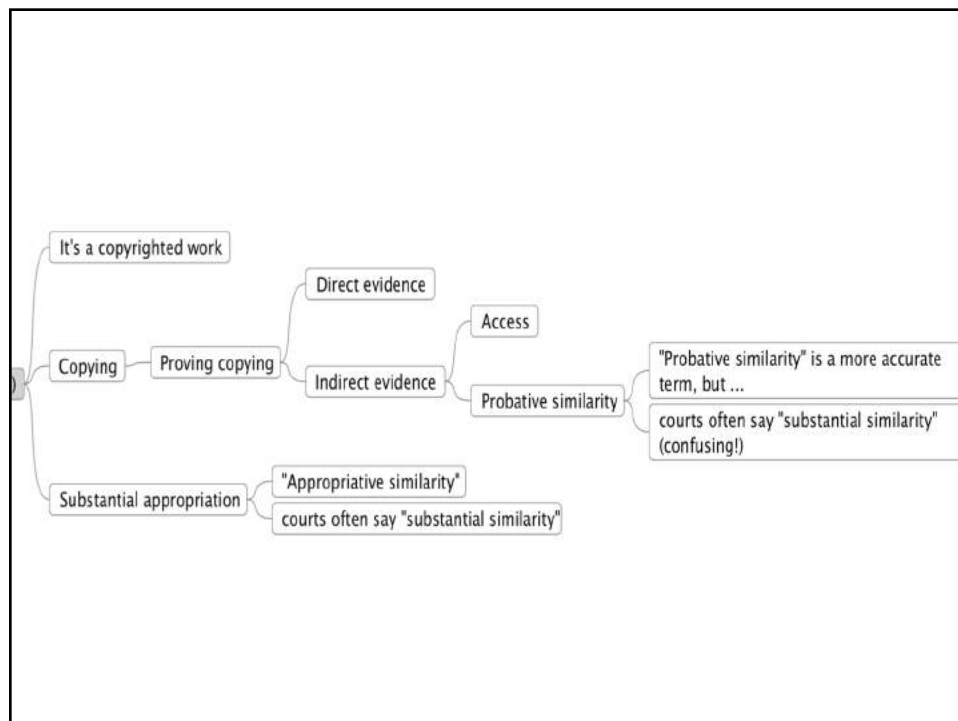
- (1) to reproduce the copyrighted work in copies or phonorecords;
- (2) to prepare derivative works based upon the copyrighted work;
- (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;
- (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
- (6) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

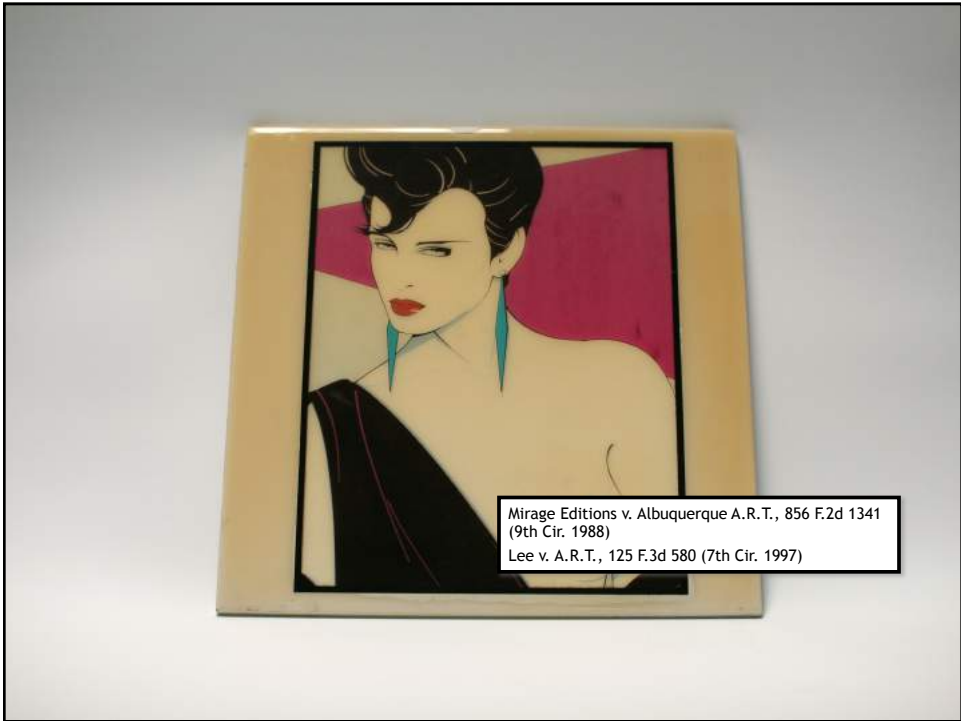
Subject to sections 107 through 122, the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

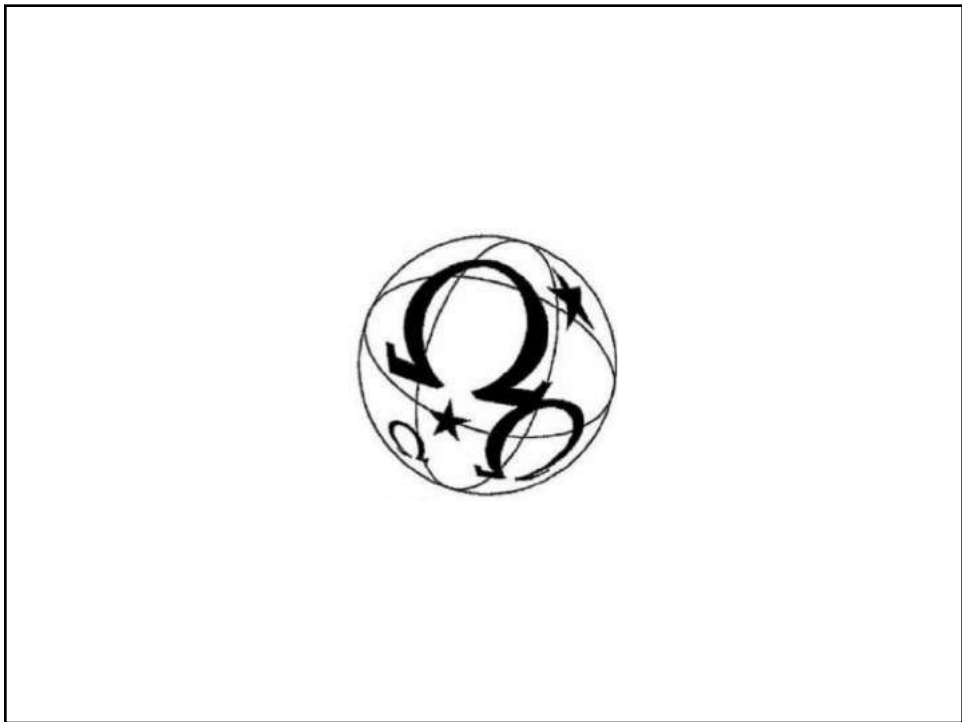
- (1) to reproduce the copyrighted work in copies or phonorecords;
- (2) to prepare derivative works based upon the copyrighted work;
- (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;
- (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
- (6) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

Subject to sections 107 through 122, the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

- (1) to reproduce the copyrighted work in copies or phonorecords;
- (2) to prepare derivative works based upon the copyrighted work;
- (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;
- (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
- (6) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

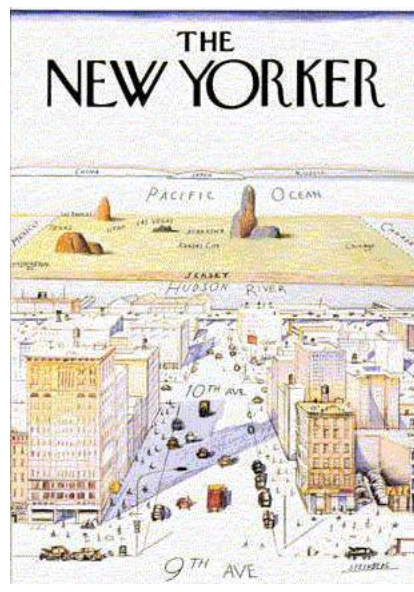
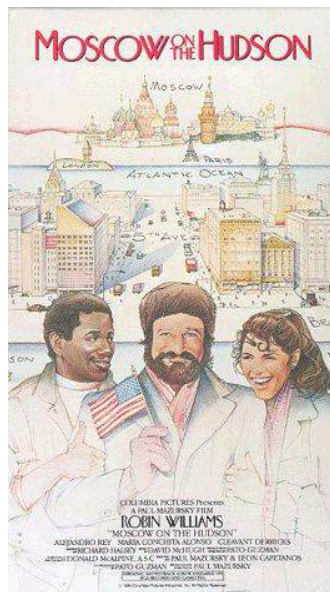


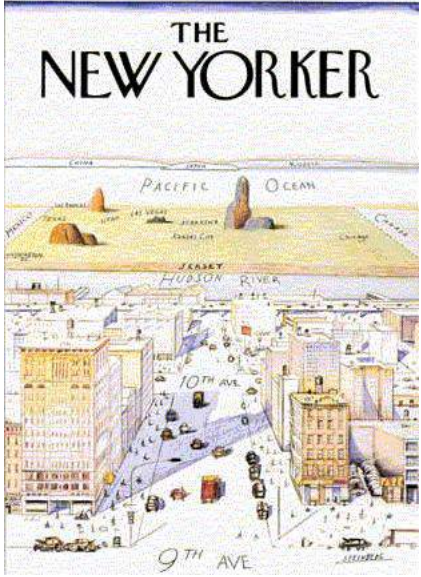
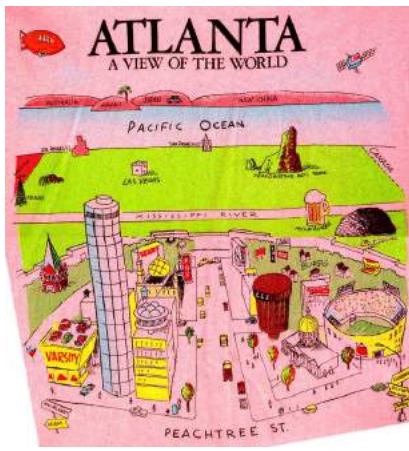
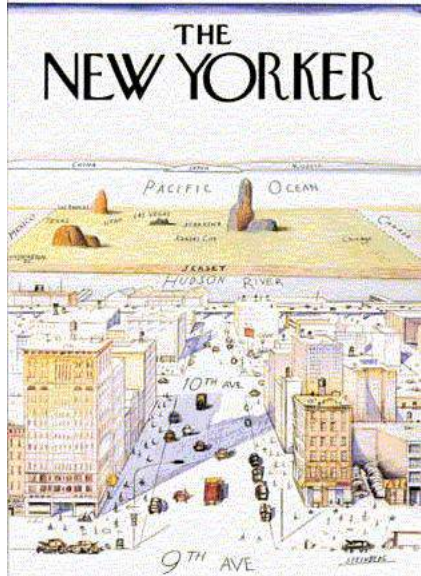
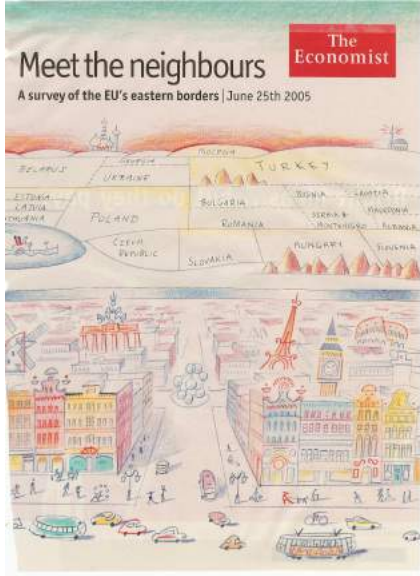


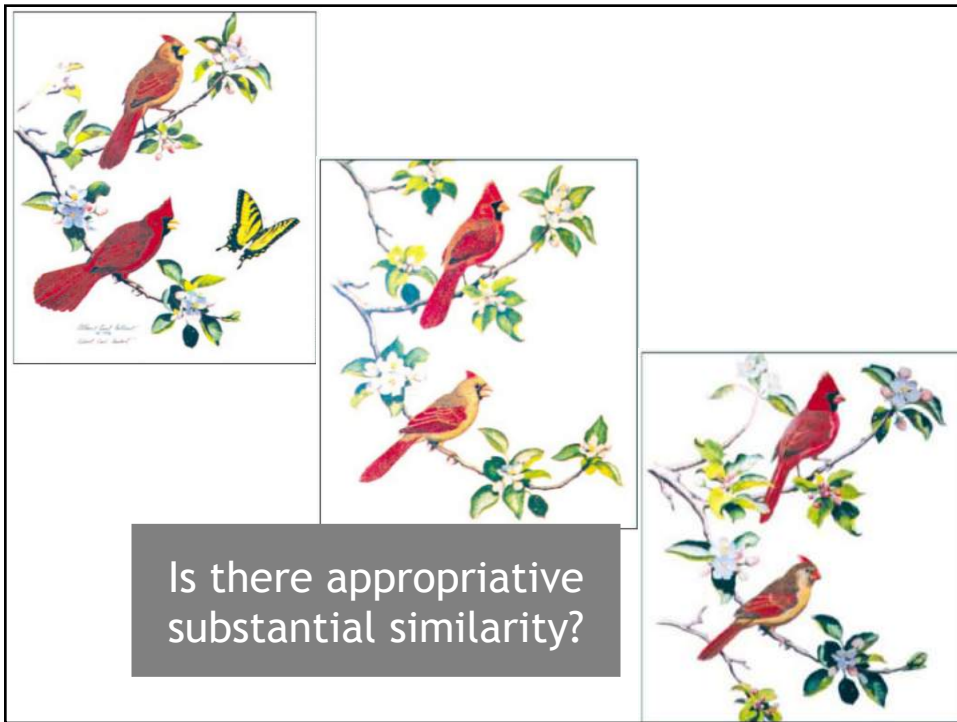


Appropriative Substantial Similarity Realotheticals

Steinberg v. Columbia Pictures (S.D.N.Y. 1987)











Is there appropriative substantial similarity?

Richard Prince rephotograph
from Jim Krantz Marlboro work



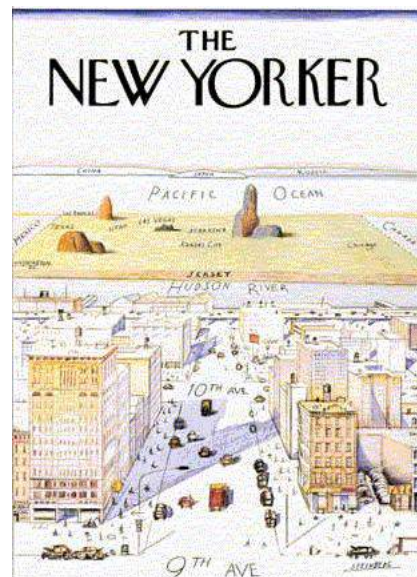
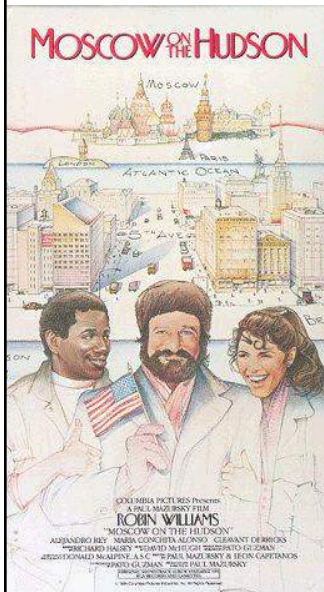
Is there appropriative substantial similarity?

“Untitled Cowboy,” Richard Prince

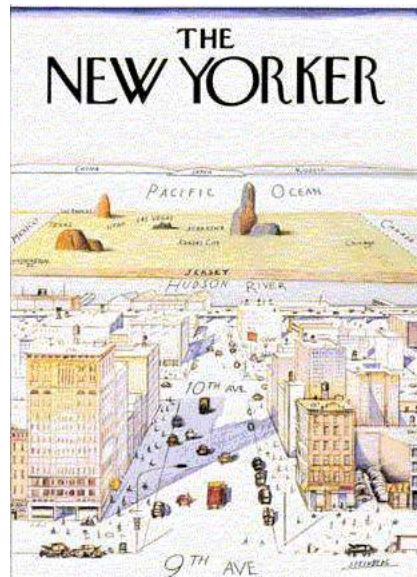
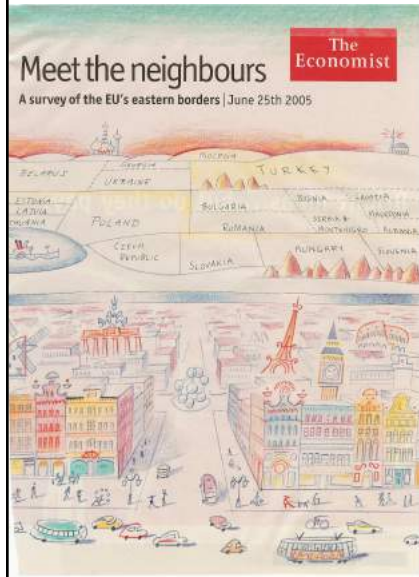
Is there appropriative substantial similarity?



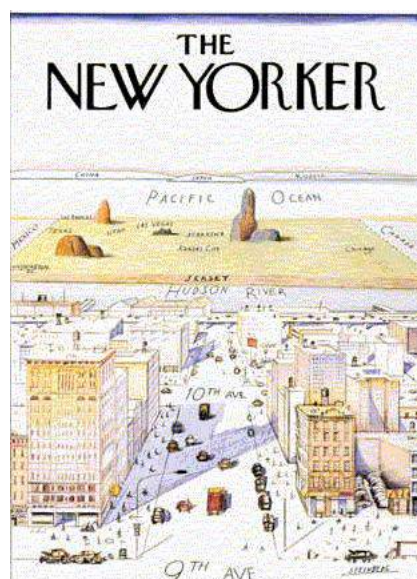
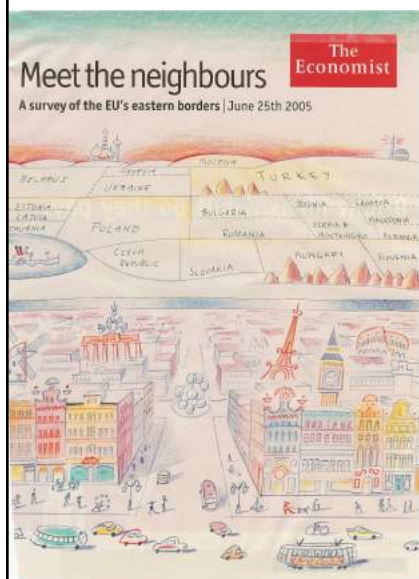
Under the law as you would have it, would this infringe that?



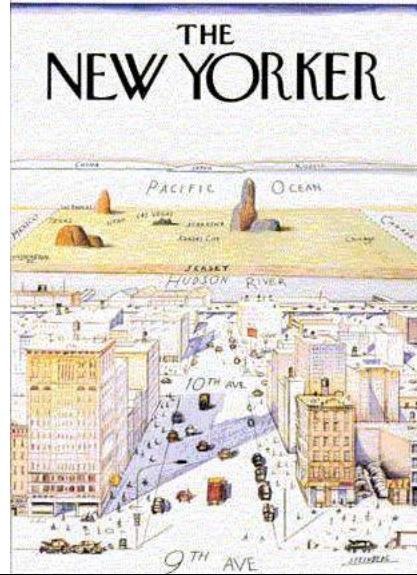
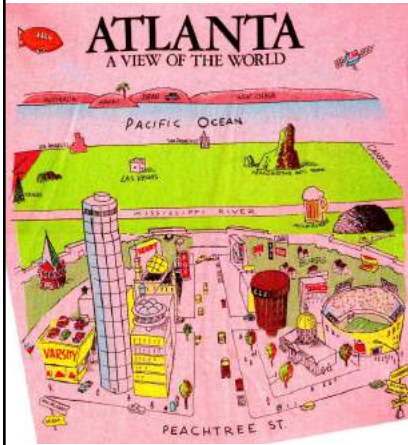
Would a court hold that this infringes that?



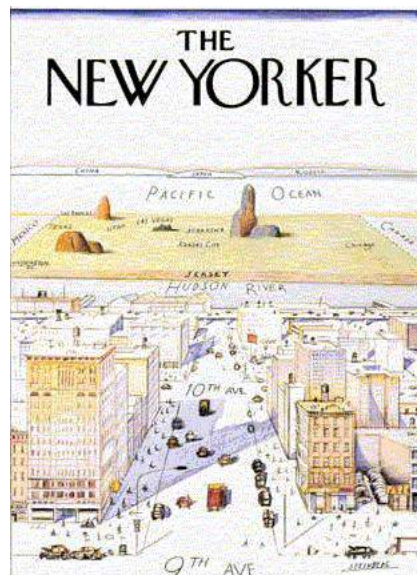
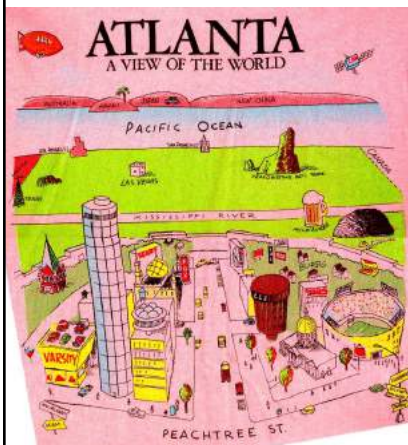
Under the law as you would have it, would this infringe that?

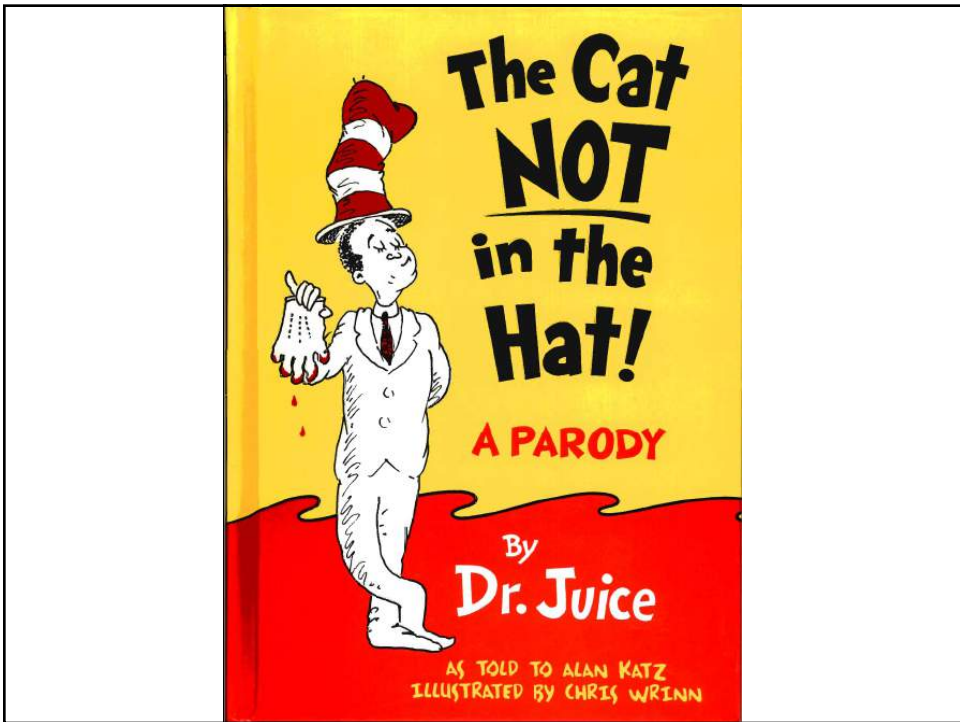
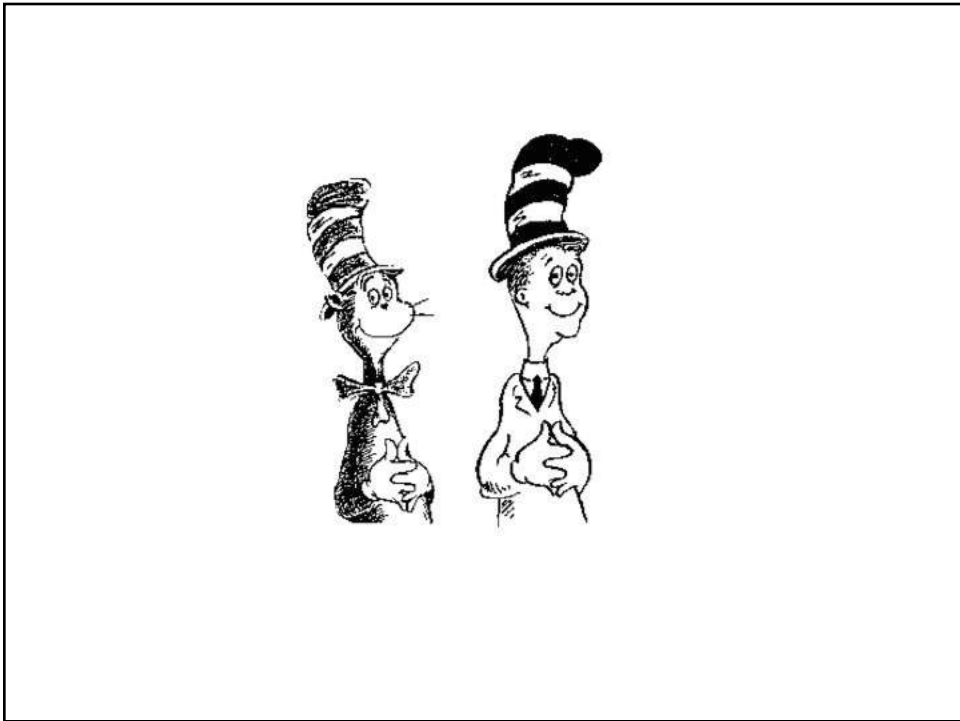


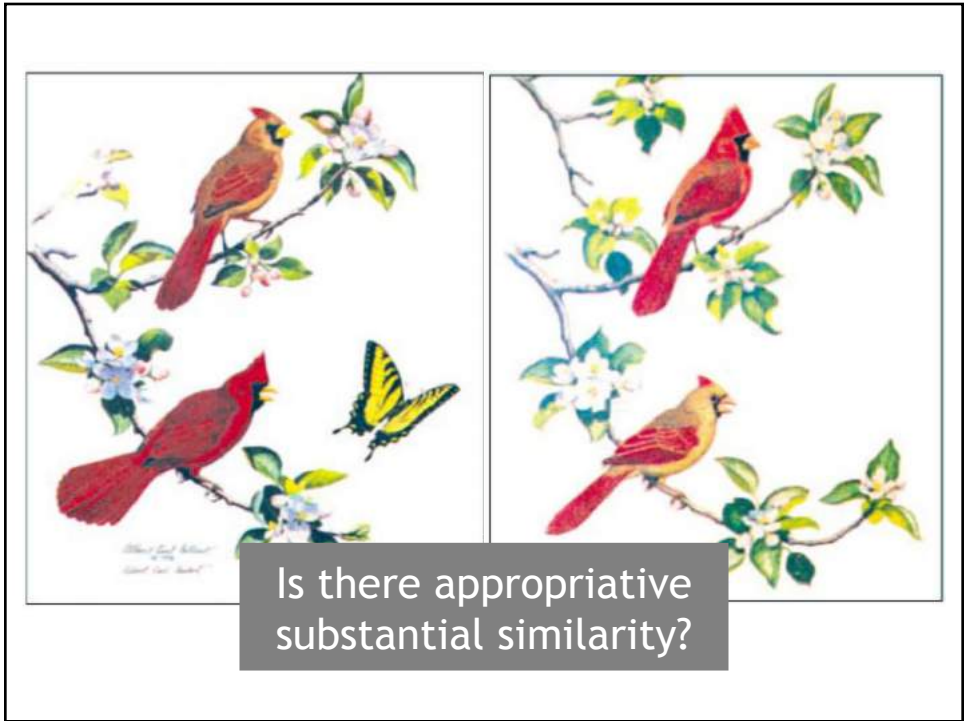
Would a court hold that this infringes that?




Under the law as you would have it, would this infringe that?









Also: finding of fact that the defendant didn't copy the plaintiff artwork.

Is there appropriative substantial similarity?

No.

IMPORTANT NOTE:
confusing \neq confused

Keep this in mind: If you find it all confusing, it doesn't mean you are confused; it's actually a leading indicator that you understand.