

Copyright

 original works of authorship fixed in any tangible medium of expression from which they can be perceived, either directly or with the aid of a machine

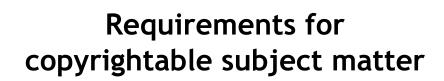
Elements of prima facie case for copyright infringement (for reproduction right)

- 1. it's a copyrighted work (copyrightable subject matter)
- 2. copying
- 3. substantial appropriation

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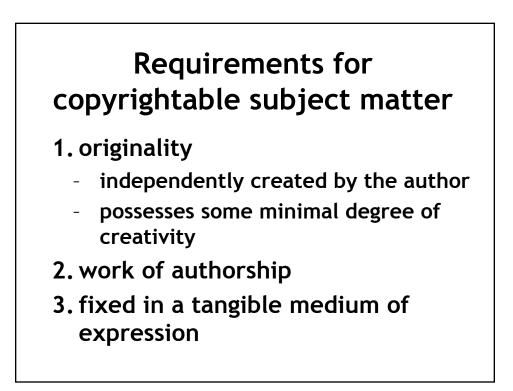


- (copyrightable subject matter)
- 2. copying
- 3. substantial appropriation



- 1. originality
 - independently created by the author
 - possesses some minimal degree of creativity
- 2. work of authorship
- 3. fixed in a tangible medium of expression

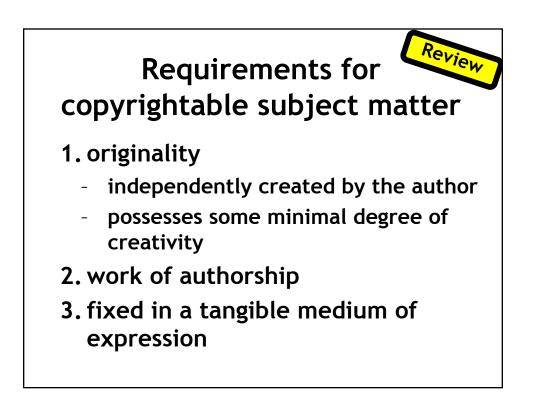
Let's do some hypotheticals and some realotheticals



Scientists using the Gemini North 8.1 meter telescope on Mauna Kea in Hawaii take this image of galaxy NGC 3359. Is the image protected by copyright?

Two women find a cornflake shaped like Illinois. Can they "copyright it"? What if it were shaped like Abraham Lincoln?

What if they owned the automatic cornflake producing machine, and then found it?





<u>Should</u> the Cubs have a valid copyright claim against rooftop bleacher owners?

The Associated Press has sportswriters from various organizations rank college football teams and publishes the result as the AP Top 25 College Football Poll. Does AP have a copyright in the list of 25 teams such that unauthorized people cannot reproduce the list? Does an association of universities and bowl game organizers need the permission of the AP to use the AP poll in determining who should play in the national championship game (or playoffs)?