



Expression
Copyright

Copyright – Included Subject Matter

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Konomark
Most rights sharable

Note: Images used as a basis for in-class discussion and to illustrate problems are omitted from this handout version.



Copyright

Copyright

- **Books**
- **Poems**
- **Movies**
- **Computer software**
- **Photographs**
- **Paintings**
- **Sculptures**


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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Requirements for copyrightable subject matter

- 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**

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**Let's do some
hypotheticals
and some
realotheticals**

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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?

Requirements for copyrightable subject matter

Review

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

Do the Cubs have a valid copyright claim against rooftop bleacher owners?

Should 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)?