



Copyright Overview

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Konomark
Most rights sharable

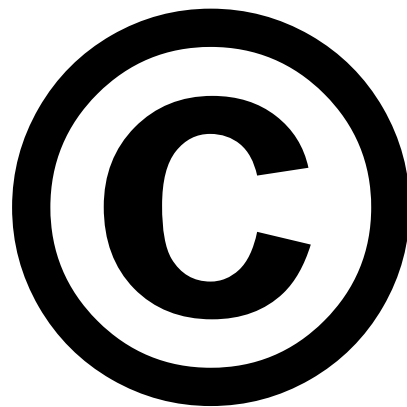
Intellectual property

the kinds of IP

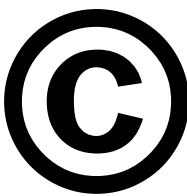
Copyrights
Trademarks
Patents
Trade Secrets
Rights of Publicity

You

own intellectual
property



Copyright



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

What is copyrightable?

- Categories of works
- Fixation requirement
 - must be fixed in a tangible form
- Originality
 - must have some minimal degree of creativity
 - facts do not qualify
 - mere compilations of data are not copyrightable
 - "sweat of the brow" theory rejected
- Expression
 - not ideas
 - not facts

Categories of works

- literary works
 - includes software
 - includes just about everything you might think could possibly be included
- musical works
- dramatic works
- pantomimes and choreographic works
- pictorial, graphic, and sculptural works
- motions pictures and other audiovisual works
- sound recordings
- architectural works

Infringement and Remedies

- Infringement requires:
 - copying (deriving from plaintiff's work)
 - copying enough (appropriative similarity)
- Key defenses:
 - Fair use
 - License
 - Implied license
- Remedies
 - Statutory damages: Up to \$150,000 per work infringed, if registration requirement met
 - Compensatory damages: Plaintiffs losses (plus defendants gain)
 - Often not lucrative for small plaintiffs vs. media companies

Copyright ©

Protects	expression (text, images, recordings)
Requires	a mere modicum of creativity
Vests	automatically upon creation
Sustained by	<i>[nothing]</i>
Lasts	lifetime + 70 years; or 95 years
Theory	incentive to create; public goods problem





The public goods problem

