

**Indiana University – Bloomington**  
**Department of Information and Library Science**  
**School of Informatics and Computing**

**Z604: Copyright Law and Licensing for Information Professionals (3 credits)**

**Fall 2015**

**SYLLABUS**

**Instructor:**

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Wells Library, East Tower 350-40  
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**Class Time:** M/1:00-3:45

**Classroom:** Wells Library (LI) 030

**Office Hours:** Available before  
and after class, or by appointment

**Rationale:**

Innovations in information and media technology are creating new methods of scholarship, teaching, learning, and artistic creation, along with novel modes of publication and distribution, raising significant and complex questions and issues about intellectual property for both rights holders and users of copyrighted works. A basic understanding of copyright law and licensing is now a core competency for librarians and other information professionals. This course will provide students with a critical understanding of the subject matter of copyright; the exclusive rights of copyright owners; fair use and other limitations on exclusive rights; the specific ways in which libraries and educational institutions are affected by copyright law, including distance education and the TEACH Act; open access publishing; mass digitization projects; the law of licensing, the key provisions of licenses, and different types of licenses, including creative commons licenses; and present developments and future trends in copyright law that will impact information professionals for the foreseeable future.

**Course Description:**

This course surveys U.S. and global copyright law to understand the role of copyright and licensing in libraries, education, and the arts. We will focus in particular on the basics of copyright in the digital age; licensing and permissions; and the requisite practical skills and knowledge for intellectual property management.

**Prerequisites:** None

## **A. Course Content and Learning Objectives:**

Through readings of primary sources of U.S. and international copyright law (statutes, legal cases, and treaties), as well as secondary literature, this course will explore the history, current substance and future trends of copyright in the digital age. We will also examine the law of licensing and the implications of the increasing role that licenses play in the distribution of and access to intellectual property. Throughout the course we will consider the professional responsibilities of information professionals in managing intellectual property, and the importance of written policies in providing practical guidance and avoiding risk. Class meetings will be a combination of lectures, discussion, and student presentations. Students working alone and in groups will review and present current cases, literature, and documents on copyright law and policy to the class. Practical exercises devoted to researching copyright law, securing permission to use intellectual property, and reviewing licenses and drafting policies will be used to impart the requisite practical skills and knowledge for intellectual property management. Students also will undertake their own final project, and demonstrate their mastery of the course content through short quizzes and a final exam.

At the conclusion of the course, students will be able to:

1. Understand the significance of copyright law in contemporary society and culture.
2. Articulate the interests of creators, publishers, distributors and consumers of copyrighted works.
3. Appreciate the professional responsibilities of librarians created by copyright law.
4. Analyze the impact of copyright law and licensing on the work of libraries, information centers, archives, and educational, cultural, and arts institutions.
5. Research copyright law and rights holders.
6. Obtain permission to use works in copyright.
7. Identify standard licensing mechanisms for music, images, film, and print.
8. Review and understand licenses.
9. Evaluate and draft library copyright policies.
10. Apprehend the impact of technology on copyright, especially as it relates to the work of libraries in publishing, accessing, distributing, or preserving digital content.
11. Recognize and respond to present and future developments in copyright law as they affect libraries and information professionals.

## **B. Course Requirements:**

1. **Preparation and Participation:** Success in the course is dependent upon consistent preparation and participation. Preparation for each class by completing all of the reading will be measured by the extent to which a student asks questions and participates actively by offering insights on the readings, and making substantive contributions to class discussions.

2. **Current Awareness Update:** Students will each present two current awareness notices, updates, or news article about copyright to share and discuss with the class.
3. **In-Class Case/Document Summaries and Discussions:** You will present – alone or in working groups – summaries of cases and documents we are covering in the course and help to lead the class discussion about them at regular points throughout the course.
4. **Homework:** For homework assignments, see schedule of topics, readings and assignments below.
5. **Quizzes:** Open book, open sources, open notes quizzes will be given at the conclusion of some class meetings to gauge students' understanding of that day's topic(s).
6. **Final Exam:** An open book, open sources, open notes final exam comprised of multiple choice, short answer and essay questions will be given in class on **November 30, 2015**, to give students an opportunity to consider and respond critically to the course content for the entire semester.
7. **Presentation:** Students will give a presentation of their final project/paper on **December 7, 2015**.
8. **Final Project:** Students will research and write on a copyright law or policy issue, problem or question of their choice, so long as it is relevant to the course. Possible projects include a position paper on a current copyright law problem; a summary and analysis of an important legal opinion or decisions on a specific issue; a critique of current or proposed copyright legislation; or the drafting of an institutional or organizational copyright policy with a supporting discussion of the law.

The final project/paper, due on **December 14, 2015**, should be 6-10 pages, exclusive of endnotes or cover page, double-spaced, 12-point type, and using conventional 1" margins. Use endnotes, not footnotes. You may use any system of citation you prefer, so long as your references are consistent and sufficient to enable a reader to find your source. Not all systems of citation cover sources of law and legal authority, so, depending on the citation rules you elect to use, you may need to supplement them with *The Bluebook: A Uniform System of Citation*, the *ALWD Citation Manual: A Professional System of Citation*, or *The Chicago Manual of Style*, all of which provide guidance for legal citation.

### **C. Value of Requirements for Final Grade:**

1. Preparation and Participation (15%)
2. Current Awareness Update (5%)
3. In-Class Case/Document Summaries and Discussions (10%)
4. Homework (5%)

5. Quizzes (15%)
6. Final Exam (20%)
7. Presentation of Final Project (10%)
8. Final Project (20%)

#### D. Definitions of Letter Grades:

Letter grades have been defined as follows by student and faculty members of the Curriculum Steering Committee and have been approved by the faculty as an aid in evaluation of academic performance and to assist students by giving them an understanding of the grading standards of the Department of Information and Library Science (DILS).

A	4.0	Outstanding achievement. Student performance demonstrates full command of the course materials and evinces a high level of originality and/or creativity that far surpasses course expectations.
A-	3.7	Excellent achievement. Student performance demonstrates thorough knowledge of the course materials and exceeds course expectations by completing all requirements in a superior manner.
B+	3.3	Very good work. Student performance demonstrates above-average comprehension of the course materials and exceeds course expectations on all tasks as defined in the course syllabus.
B	3.0	Student performance meets designated course expectations and demonstrates understanding of the course materials at an acceptable level.
B-	2.7	Marginal work. Student performance demonstrates incomplete understanding of course materials.
C+	2.3	Unsatisfactory work. Student performance demonstrates incomplete and inadequate understanding of course materials.
C	2.0	
C-	1.7	Unacceptable work. Coursework performed at this level will not count toward the MLS or MIS degree. For the course to count toward the degree, the student must repeat the course with a passing grade.
D+	1.3	
D	1.0	
D-	0.7	
F	0.0	Failing. Student may continue in program only with permission of the Dean.

Grades are assigned by individual instructors based on a combination of student performance measures developed for each course. Student achievement of course objectives is usually assessed through the use of multiple performance measures. For example, a combination of several of the following assessment methods is common: examinations, class participation, written assignments and exercises, research papers, or term projects. Other methods, depending on course content and objectives, may include in-class small-group exercises, oral presentations, field-based projects and field experiences, or case study presentations.

*Effective Fall 2010:*

No course in which a student receives a grade lower than C (2.0) will be counted toward requirements for any DILS degree. **Any required course on which a grade lower than B- is received must be repeated**; an elective course in which an unacceptable grade is earned need not be repeated, but it may be repeated or another course must be taken in its place. Repeating a course in which the student received an unacceptable grade or taking another in its place does not remove the credit points for that course from a student's cumulative grade point average. All grades achieved in DILS courses will be counted in the DILS and IU GPA. Because a minimum GPA of 3.0 (B) is required for graduation, any grade below B must be balanced by another sufficiently above B to keep the GPA at the 3.0 level.

#### **E. Late Submissions:**

If you anticipate a problem with completing an assignment on time, you are responsible for contacting the instructor in advance of the due date to negotiate a new due date, which will only be extended due to an emergency or illness. An unauthorized late submission will be penalized 0.3 points for each day it is overdue (i.e., an assignment submitted 2 days late that would have received an A on its merits will be recorded as a B+).

#### **F. Academic Integrity**

Copyright is premised on the Enlightenment principle that social and cultural progress and the advancement of knowledge depend on the protection of the ideas of authors and creators, as well as the free exchange and testing of those ideas through rational discourse in the public sphere. These values are embodied in Indiana University's *Code of Student Rights, Responsibilities, and Conduct*, available at <http://www.indiana.edu/~code/>, which is hereby incorporated by reference into this syllabus. Plagiarism, as well as other forms of academic misconduct such as cheating, fabrication, violating course rules, or facilitating academic dishonesty, will be handled according to the Student Disciplinary Procedures for the IU-Bloomington campus available at <http://www.iu.edu/~code/bloomington/discipline/index.shtml>.

#### **G. Students with Disabilities:**

If you are a student with a disability or special need that requires an accommodation, please notify the instructor as soon as possible. Disability support services are available from the Office of Disability Services for Students, online at <https://studentaffairs.indiana.edu/disability-services-students/index.shtml>, and in Herman B. Wells Library W302; tel: (812) 855-7578; fax: (812) 855-7650; email: [iubdss@indiana.edu](mailto:iubdss@indiana.edu); hours: Mon. thru Fri. 8AM to 5PM.

## H. Schedule of Topics, Readings and Assignments:

**Textbook:** Kenneth D. Crews, *Copyright Law for Librarians and Educators*, 3<sup>rd</sup> ed. (ALA, 2012)[hereinafter CREWS]. Two copies are on reserve (1 day loan, no renewal) at the Learning Commons Service Desk, on the first floor of the Herman B Wells Library. Call Number: KF2995 .C74 2012.

### August 24 – Week 1:

#### Topics:

- Introduction to the course: review syllabus, course requirements, and rationales for the course
- Overview of the American legal system and courts
- Researching copyright law: primary and secondary sources of copyright law; where and how to find them; citing sources of law; sources of current awareness and updates on copyright law
- History and philosophy of copyright
- Theories and goals of copyright

### August 31 – Week 2:

#### Topics:

- Subject Matter and Scope of Copyright Protection
- U.S. Government Works
- Ownership of Copyright
  - Initial Ownership
  - Works Made for Hire
  - Joint Works and Contributions to Collective Works

#### Reading:

- CREWS, *Copyright Law*, 3<sup>rd</sup> ed., chaps. 2, 3, 5 (pp. 9-20, 31-34, 35-36)
- U.S. Copyright Act of 1976, sections 101, 102, 103, 105, 201, 202, 204 [Available at: [www.copyright.gov](http://www.copyright.gov); some sections are also available in Appendix A of the Crews textbook]
- U.S. Copyright Office, Circular 31: “Ideas, Methods, or Systems” (2012)[Available at: <http://copyright.gov/circs/circ31.pdf>]
- U.S. Copyright Office, Circular 34: “Copyright Protection Not Available for Names, Titles, or Short Phrases” (2012)[Available at: <http://copyright.gov/circs/circ34.pdf>]
- Karen Coyle, “Metadata and Copyright,” *Library Journal* (February 28, 2013)[Available at: <http://lj.libraryjournal.com/2013/02/opinion/peer-to-peer-review/metadata-and-copyright-peer-to-peer-review/#> ]
- *Indiana University Intellectual Property Policy* (2014)

[Available at:

<http://policies.iu.edu/policies/categories/administration-operations/intellectual-property/intellectual-property.shtml>]

**CASES TO BE PRESENTED BY STUDENT GROUPS:**

- *Burrow-Giles Lithographic Co. v. Sarony*, 111 U.S. 53 (1884)[Available on Hein Online, LexisNexis Academic, and at: <http://www.law.cornell.edu/supremecourt/text/111/53>]
- *Bridgeman Art Library v. Corel Corporation*, 36 F.Supp. 191 (S.D.N.Y. 1999)[Available on LexisNexis Academic and at: [http://www.law.cornell.edu/copyright/cases/36\\_FSupp2d\\_191.htm](http://www.law.cornell.edu/copyright/cases/36_FSupp2d_191.htm)]
- *Feist Publications, Inc. v. Rural Telephone Service Co., Inc.*, 499 U.S. 340 (1991)[Available on Hein Online, LexisNexis Academic, and at: <http://supreme.justia.com/cases/federal/us/499/340/case.html>]

**September 7 – LABOR DAY (NO CLASS MEETING)**

**September 14 – Week 3:**

**Topics:**

- Exclusive Rights of Copyright Owners
- International Copyright Protection
- Moral Rights
- The Digital Millennium Copyright Act (DMCA)

**Reading:**

- CREWS, chap. 6, 14, 16 (pp. 39-44, 104-107, 119-129)
- U.S. Copyright Act of 1976, sections 106, 106A, 512, 1201 [Available at: [www.copyright.gov](http://www.copyright.gov); some sections are also available in Appendix A of the Crews textbook]
- The Berne Convention for the Protection of Literary and Artistic Works, Preamble, Articles 1-20, 30 & 36 [Available at: [http://www.wipo.int/treaties/en/text.jsp?file\\_id=283698](http://www.wipo.int/treaties/en/text.jsp?file_id=283698)]

**September 21 – Week 4:**

**Topics:**

- Copyright Notice and Registration
- Infringement and Penalties
  - Limited Liability for Librarians and Archivists
  - State Sovereign Immunity for State-Related Public Institutions
- Duration of Copyright
- Renewal of Copyright
- Restoration of Copyright
- Orphan Works

### Reading:

- CREWS, chap. 4, 14 (pp. 23, 24-29, 101-104, 106-107)
  - Nazareth Pantaloni, “‘Blurred Lines’ Between Inspiration and Infringement,” *Copyright and New Media Law* 19:2 (Summer 2015) [Available on Oncourse]
  - U.S. Copyright Act of 1976, sections 301, 302, 303, 305, 504 [Available at: [www.copyright.gov](http://www.copyright.gov); some sections are also available in Appendix A of the Crews textbook]
  - U.S. Copyright Office, Circular 22: “How to Investigate the Copyright Status of a Work” (2012)[ Available at: <http://copyright.gov/circs/circ22.pdf>]
  - The Samuelson Clinic, UC Berkeley Law School, *Is It in the Public Domain: Flowcharts for Evaluating the Copyright Status of a Work Created in the United States between January 1, 1923 and December 31, 1977* (2014)[Available at: [http://www.law.berkeley.edu/files/FINAL\\_PublicDomain\\_Flowcharts\\_FINAL%281%29.pdf](http://www.law.berkeley.edu/files/FINAL_PublicDomain_Flowcharts_FINAL%281%29.pdf)]. (There is also an accompanying *Handbook* available at: [http://www.law.berkeley.edu/files/FINAL\\_PublicDomain\\_Handbook\\_FINAL%281%29.pdf](http://www.law.berkeley.edu/files/FINAL_PublicDomain_Handbook_FINAL%281%29.pdf).)
  - Peter B. Hirtle, *Copyright Term And The Public Domain In The United States* (2013)[Available at: <http://copyright.cornell.edu/resources/publicdomain.cfm>].
  - U.S. Copyright Office, Circular 38B: “Copyright Restoration Under the URAA” (2013)[Available at: <http://copyright.gov/circs/circ38b.pdf>]
  - Wikipedia, “List of Countries’ Copyright Lengths” [[http://en.wikipedia.org/wiki/List\\_of\\_countries%27\\_copyright\\_length](http://en.wikipedia.org/wiki/List_of_countries%27_copyright_length)]
  - Jennifer Urban, David Hansen, Patricia Aufderheide, Peter Jaszi, and Meredith Jacob, *Report on Orphan Works Challenges for Libraries, Archives, and Other Memory Institutions* (2013)[Available at: [http://www.cmsimpact.org/sites/default/files/documents/report\\_on\\_orphan\\_works\\_challenges.pdf](http://www.cmsimpact.org/sites/default/files/documents/report_on_orphan_works_challenges.pdf)]
- DOCUMENTS TO BE PRESENTED BY STUDENT GROUPS:**
- European Union Parliament and Council, “Directive on Certain Uses of Orphan Works” (2012)[Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:299:0005:0012:EN:PDF>; with supplemental information at: [http://ec.europa.eu/internal\\_market/copyright/orphan\\_works/index\\_en.htm#maincontentSec2](http://ec.europa.eu/internal_market/copyright/orphan_works/index_en.htm#maincontentSec2)]



- United Kingdom, “The Copyright and Rights in Performances (Certain Permitted Uses of Orphan Works) Regulations 2014 No. 2861. [Available at: <http://www.legislation.gov.uk/ukdsi/2014/9780111117682>; with application information at: <https://www.gov.uk/copyright-orphan-works>].
- U.S. Copyright Office, “Executive Summary,” *Orphan Works and Mass Digitization* (2015), pp. 1-8 [Available at: <http://copyright.gov/orphan/reports/orphan-works2015.pdf>]

**Homework Assignment (Due September 28):** On the basis of a hypothetical work, using yourself as the creator, complete a copyright registration form available at [www.copyright.gov](http://www.copyright.gov).

**Homework Assignment (Due October 5):** Is It in Copyright?

### September 28 – Week 5:

#### Topics:

- Traditional Publishing Agreements
- Termination of Copyright Transfers
- Authors’ Rights
- Scholarly Communication and New Forms of Publishing Agreements
- Legal Release Agreements
- Donor Agreements

#### Reading:

- CREWS, chap. 5 (pp. 36-38)
- U.S. Copyright Act of 1976, sections 201(d), 203 [Available at: [www.copyright.gov](http://www.copyright.gov)]
- Sample Publishing Agreements [Available on Oncourse]
- SPARC Addendum to Publication Agreement [Available at: [http://www.sparc.arl.org/sites/default/files/Access-Reuse\\_Addendum.pdf](http://www.sparc.arl.org/sites/default/files/Access-Reuse_Addendum.pdf); with additional information at: <http://www.sparc.arl.org/resources/authors/addendum>]
- Committee on Institutional Cooperation (CIC) Addendum to Publication Agreements for CIC Authors [Available at: <http://www.cic.net/docs/default-source/library/authorsrights.pdf>]
- John A. Neuenschwander, *A Guide to Oral History and the Law*, 2<sup>nd</sup> ed., chap. 2 “Legal Release Agreements,” pp. 3-19; Appendix 1, “Sample Legal Release Forms,” pp. 121-129. [Available on Oncourse]

## October 5 – Week 6:

### Topics:

- Limitations on Exclusive Rights of Copyright Owners
- Special Limitations on Exclusive Rights for Educational Institutions and Libraries
- Distance Education and the TEACH Act
- Classroom Copying under §107

### Reading:

- CREWS, chap. 7, 12, 13, Appendixes D & E (pp. 45-49, 83-91, 93-100, 171-175)
- U.S. Copyright Act of 1976, sections 107, 108, 109, 110(1) & (2), 121 [Available at: [www.copyright.gov](http://www.copyright.gov); some sections are also available in Appendix A of the Crews textbook]
- “Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions with Respect to Books and Periodicals” (1976); reprinted in U.S. Copyright Office, *Circular 21: Reproduction of Copyrighted Works by Educators and Librarians*, pp. 6-7, available at: <http://www.copyright.gov/circs/circ21.pdf>
- CONTU (Commission on New Technological Use of Copyrighted Works) Guidelines on Photocopying under Interlibrary Loan Arrangements (1978)[Available at: <http://digital-law-online.info/CONTU/contu24.html>]

## October 12 – Week 7: Topics:

- Fair Use
- The Four Factors
- Copyright in Unpublished and Archival Materials

### Reading:

- U.S. Copyright Act of 1976, section 107 [Available at: [www.copyright.gov](http://www.copyright.gov) and in Appendix A of the Crews textbook]
- CREWS, chap. 8, 9, 10, 17 (pp. 51-76, 131-138)
- Pierre N. Leval, "Toward a Fair Use Standard", 103 *Harvard Law Review* 1105 (1990) [Available on Oncourse]

### CASES TO BE PRESENTED BY STUDENT GROUPS:

- *Random House, Inc. v. Salingor*, 811 F.2d 90 (2d Cir. 1987)[Available on LexisNexis Academic and at: [http://www.law.cornell.edu/copyright/cases/811\\_F2d\\_90.htm](http://www.law.cornell.edu/copyright/cases/811_F2d_90.htm)]
- *Harper & Row, Publishers, Inc. v. Nation Enterprises*, 471 U.S. 539 (1985)[Available on Hein Online, LexisNexis Academic and at: [http://www.law.cornell.edu/copyright/cases/471\\_US\\_539.htm](http://www.law.cornell.edu/copyright/cases/471_US_539.htm)]
- *Sundeman v. The Seajay Society, Inc.*, 142 F. 3<sup>rd</sup> (4<sup>th</sup> Cir. 1998)[Available on Hein Online, LexisNexis Academic, and at: <http://www.ca4.uscourts.gov/Opinions/Published/971339.P.pdf>]

### CASE TO BE PRESENTED BY THE INSTRUCTOR

- *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569 (1994)[Available on Hein Online, LexisNexis Academic, and at: <http://supreme.justia.com/cases/federal/us/510/569/case.html>]

### October 19 – Week 8:

#### Topics:

- Fair Use (continued)
- Recent Developments in Fair Use: Mass Digitization, Online Course Reserves

#### Reading:

##### CASES TO BE PRESENTED BY STUDENT GROUPS:

- **The Google Books Case:** *The Authors Guild, Inc. v. Google, Inc.* (S.D.N.Y., 2013)[Available at: [http://www.wired.com/images\\_blogs/threatlevel/2013/11/chind ecision.pdf](http://www.wired.com/images_blogs/threatlevel/2013/11/chind ecision.pdf)]
- **The HathiTrust Case:** *The Authors Guild, Inc., v. HathiTrust* (2d Cir. 2014)[Available at: <https://www.eff.org/files/2014/06/10/agvhathitrust.pdf>]
- **The Georgia State Case:** *Cambridge University Press, et al. v. Becker, President of Georgia State University, et al.* (11<sup>th</sup> Cir. 2014). [Available at: <http://cases.justia.com/federal/appellate-courts/ca11/12-14676/12-14676-2014-10-17.pdf?ts=1414545971>]

### October 26 – Week 9:

#### Topics:

- Fair Use (continued)
- Fair Use Checklists
- Guidelines and Codes of Best Practice in Fair Use

#### Reading:

- Crews, chap. 11, Appendix B (pp. 163-165)
- “Guidelines for Educational Uses of Music,” reprinted in U.S. Copyright Office, *Circular 21: Reproduction of Copyrighted Works by Educators and Librarians*, pp. 7-8, available at: <http://www.copyright.gov/circs/circ21.pdf>
- Association of Research Libraries, *Code of Best Practices in Fair Use for Academic and Research Libraries* (2012) [Available at: [http://www.cmsimpact.org/sites/default/files/documents/code\\_of\\_best\\_practices\\_in\\_fair\\_use\\_for\\_arl\\_final.pdf](http://www.cmsimpact.org/sites/default/files/documents/code_of_best_practices_in_fair_use_for_arl_final.pdf)]
- Each student should also select and read – *and be prepared to present and discuss* – a different second Code of Best Practices of your choice available from the American University Center for Social Media (available at:

<http://www.centerforsocialmedia.org/fair-use/best-practices>); the Visual Resource Association's *Statement on the Fair Use of Images for Teaching, Research, and Study* (available at: <http://www.vraweb.org/organization/pdf/VRAFairUseGuidelinesFinal.pdf>); the Society for Cinema and Media Studies (SCMS) (available at: [http://www.cmstudies.org/?page=fair\\_use](http://www.cmstudies.org/?page=fair_use)); or the American Musicological Society, *Best Practices in the Fair Use of Copyrighted Materials in Music Scholarship* (2010)[Available at: [http://www.ams-net.org/AMS\\_Fair\\_Use\\_Statement.pdf](http://www.ams-net.org/AMS_Fair_Use_Statement.pdf)].

## November 2 – Week 10:

### Topics:

- Permissions
- Identifying Rights Holders
- Licenses and Licensing
- Creative Commons Licenses

### Reading:

- CREWS, chap. 18 (pp. 139-143)
- James S. Heller, Paul Hellyer, and Benjamin J. Keele, "The Library as Publisher," chap. 9, *The Librarian's Copyright Companion*, 2<sup>nd</sup> edition (Hein, 2012), pp. 173-183. [Oncourse]
- Lesley Ellen Harris, "Key Digital Licensing Clauses," chap. 4, *Licensing Digital Content: A Practical Guide for Librarians* (ALA, 2009), pp. 45-82. [Oncourse]
- Read the "Mission" and "History" (under the "About" tab) sections, as well as "About the Licenses" (under the "Licenses" tab) on the Creative Commons website: <http://creativecommons.org/>

## November 9 – Week 11:

### Topics:

- **Music Copyright, Licensing, and Fair Use**

### Reading:

- CREWS, chap. 15 (pp. 111-118)
- U.S. Copyright Act of 1976, sections 114(a) & (b), and 115 [Available at: [www.copyright.gov](http://www.copyright.gov); some sections are also available in Appendix A of the Crews textbook]
- U.S. Copyright Office, *Copyright and the Music Marketplace* (2015), Executive Summary, Parts I & II, pp. 1-67. [Available at: <http://copyright.gov/docs/musiclicensingstudy/copyright-and-the-music-marketplace.pdf>]

### **CASES TO BE PRESENTED BY STUDENT GROUPS**

- *Bridgeport Music v. Dimension Films*, 2004 FED App. 0297P (6th Cir. 2004)[Available at: <http://fsnews.findlaw.com/cases/6th/04a0297p.html>]
- *Newton v. Diamond*, 388 F.3d 11189 (9<sup>th</sup> Cir. 2003)[Available at: <http://madisonian.net/downloads/copyright/newton.pdf>]

## November 16 – Week 12

### Topics:

- **Image Copyrights, Licensing, and Fair Use**

### Readings

#### CASES TO BE PRESENTED BY STUDENTS

- *Bill Graham Archives v. Dorling Kindersley, Ltd.* (2<sup>nd</sup> Cir. 2006)[Available at: <http://copyrightcodex.com/bill-graham-archives-v-dorling-kindersley-2nd-cir-2006-fair-use/2013/06/23/>]
- *Perfect 10, Inc. v. Amazon.com, Inc., A9.com, and Google, Inc.*, (9<sup>th</sup> Cir. 2007)[ <http://www.internetlibrary.com/pdf/Perfect-10-Amazon-9th-Cir.pdf>]
- *Art Rogers v. Jeff Koons*, 960 F.2d 301 (2d Cir. 1992)[Available at: <http://openjurist.org/960/f2d/301/rogers-v-koons>]
- *United Feature Syndicate, Inc. v. Jeff Koons*, 817 F. Supp. 370 (1993)[Available at: [http://www.leagle.com/decision/19931187817FSupp370\\_11116/UNITED%20FEATURE%20SYNDICATE,%20INC.%20v.%20KOONS](http://www.leagle.com/decision/19931187817FSupp370_11116/UNITED%20FEATURE%20SYNDICATE,%20INC.%20v.%20KOONS)]
- *Blanch v. Koons*, 467 F.3d 244 (2d Cir. 2006)[Available at : <http://cyber.law.harvard.edu/people/tfisher/IP/2006%20Blanch%20Abridged.pdf>]
- *Patrick Cariou v. Richard Prince* (2<sup>nd</sup> Cir. 2013)[Available at: [http://www.ca2.uscourts.gov/decisions/isysquery/5da8dc66-179e-4dc0-94cc-09e213bffe3/1/doc/11-1197\\_complete\\_opn.pdf](http://www.ca2.uscourts.gov/decisions/isysquery/5da8dc66-179e-4dc0-94cc-09e213bffe3/1/doc/11-1197_complete_opn.pdf)]
- *Kienitz v. Sconnie Nation LLC* (7<sup>th</sup> Cir. 2014)[Available at: <http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2014/D09-15/C:13-3004:J:Easterbrook:aut:T:fnOp:N:1417951:S:0>]

## November 23: THANKSGIVING RECESS (NO CLASS MEETING)

## November 30 – Week 13

- **Final Exam:** In class, open book, open sources, open notes, with essay, short answer and multiple choice questions

## December 7 – Week 14:

- Presentations of Student Projects/Papers (6-10 pages; 15 minutes)

## December 14: FINAL PROJECT/PAPER DUE

Revised 9/21/15