

UNIVERSITY OF BALTIMORE SCHOOL OF LAW
SUMMER 2020

Basic Course Information

Copyright and the Arts
LAW 713
Section WB1

Assignment for First Class

Tuesday, June 9, 2020

- ALFRED C. YEN & JOSEPH P. LIU, COPYRIGHT LAW: ESSENTIAL CASES AND MATERIALS 1-40 (3D ED. 2016)
- Read syllabus carefully¹
- Enroll in the TWEN site

Instructor Information

Professor William Hubbard

Office hours will be conducted by appointment via Zoom:

- Link: <https://ubalt.zoom.us/j/285586048>
- Dial-in: (646) 558-8656
- Meeting ID: 285 586 048

Days/Time

Wednesday and Friday from 1:30 p.m. to 2:45 p.m.

“Location”

Classes will be taught via Zoom rather than meeting in person.

- Link: <https://ubalt.zoom.us/j/768471523>
- Dial-in: (646) 558-8656
- Meeting ID: 768 471 523

Zoom Policies

- a. Authentication Requirement
 - i. You must use an authenticated account to join the Zoom classes for this course. As noted below, I will take attendance through Zoom using authenticated accounts.
- b. Camera
 - i. I strongly encourage you to turn on your camera during class. Seeing your faces helps me to gauge your comprehension.
 - ii. Moreover, as I'm sure you have learned during the lock-down, conversations are better when you can see someone's face.
 - iii. If you have a reason for not using your camera, please let me know.
- c. Raising your hand
 - i. If you want to speak in our class, please use the “Raise Hand” function in Zoom. Please do not simply start talking.
- d. Chat
 - i. I strongly prefer if you ask questions orally using the “Raise Hand” function rather than through a public or private chat.
 - ii. Of course, if you are having microphone issues, you can use Chat to ask questions
 - iii. Please do not use Chat to provide commentary on the class. While I love a good joke as much as the next person, such comments are distracting for other students.

¹ The irony of putting this in the syllabus is not lost on me, but the Administration requests that I put my first assignments in my syllabus.

- e. Recording
 - i. I will be recording every Zoom class and posting the recordings to Panopto.
- f. Professionalism
 - i. Even though we are meeting via Zoom, I expect you to behave like a professional in class.

Attendance

a. General Considerations

- i. UB has an attendance policy --
<http://law.ubalt.edu/academics/policiesandprocedures/index.cfm>
- ii. The maximum number of absences in this class is **TWO**.
- iii. Absent extraordinary circumstances, if you are absent more than 2 times you may fail this course.

b. The Basic Mechanics of Taking Attendance

- i. Attendance will be taken after each class via Zoom.
- ii. By joining Zoom using an authenticated account, your presence in class will automatically be recorded.
- iii. If you do not use an authenticated account, you will not be counted present.
- iv. Exceptions
 1. If you chronically show up late, you may be counted as absent.
 2. A student who is present but unprepared for class may be treated as absent.
- v. **NOTE:** Missing class probably will lower your grade even in the absence of a formal rule that reduces your grade. The more engaged you are in any class the more you will learn and the better you will perform.

Additional Class Policies

- a. Class Participation:
 - ii. I hope that you will all actively participate in class discussions and contribute your thoughts and ideas.
 - iii. I encourage you to volunteer in class, but I will also call on people at random if necessary to make sure that everyone gets a chance to contribute.
- b. Professionalism: I expect you to behave like graduate students, and I expect you to behave professionally. That means you should generally be prompt, prepared, and polite. I consider this part of your class participation, and failure to behave professionally may therefore affect your grade.
- c. Email: If you email me from an email account other than your University of Baltimore account, the University's spam filter may prevent me from getting your email. To be on the safe side, always use your University of Baltimore email account to contact me.
- d. Facilitating learning: If anything happens in our class that makes you feel less inclined to participate or learn, *please let me know*.

Course Description

CATALOG DESCRIPTION: The study of the extent of authors', composers', and artists' rights to prevent the exploitation of their works by others (primarily copyright but also express and implied contract and the doctrine of "moral rights") and the extent of individuals' rights not to be personally exploited or maligned in others' writings (invasion of privacy, defamation, and the right of publicity).

Course Materials

- ALFRED C. YEN & JOSEPH P. LIU, COPYRIGHT LAW: ESSENTIAL CASES AND MATERIALS (3D ED. 2016)
- Additional materials will be supplied for this course via TWEN

Student Learning Outcomes

By the end of this course, the successful student will be able to:

1. Identify claims and defenses arising under copyright law in factual scenarios,

2. State the legal elements of these claims and defenses,
3. Cite authority in support of statements of copyright law,
4. Construct arguments using the facts to demonstrate that the elements of claims and defenses are satisfied,
5. Construct arguments regarding interpretations of law based on other legal sources, theory, and policy,
6. Assess the strengths of the claims and defenses,
7. In light of this analysis, recommend litigation strategies including potential approaches to forum selection, discovery, and settlement.

Grades

Your grade will be based on the following two components.

- Quizzes (35%): Each week, there will be a graded on-line quiz that you must take before 11:59 p.m. on the next Sunday after class. Questions will be multiple choice and will test your comprehension of basic features of copyright law.
- Final Exam (65%): There will be an open book, take home final exam.
- Class participation: I may adjust your grade one grade step to reflect outstanding contribution to the class or egregious lack of contribution, e.g., raising a grade from a B+ to an A- for great participation, lowering a grade from an A- to a B+ for poor participation.

Course Expectations

American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work each week for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

Course Website and Panopto

This course has a TWEN webpage with links to this syllabus, announcements, class assignments, attendance quizzes, and other materials. You must check the web site regularly. I might accidentally post answers to the exam. You never know.

- I will post copies of the PowerPoint presentation for each class after class.
- I will also post draft copies of the PowerPoint presentations for each class before class, though this portion of the TWEN page is password protected.
 - To obtain access to these materials, students must email me a request that (1) explaining their motivation for obtaining the presentations before class, and (2) demonstrating that this privilege will not be abused.
- Recordings for this course will also be posted to Panopto immediately following class.

Academic Integrity

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

Title IX Sexual Misconduct and Nondiscrimination Policy

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

Disability Policy

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

Assignments

Please read the material listed below for each class session carefully and think about it before class. The expected schedule for reading may be adjusted depending on our pace.

Date	Topic	Start	End
6/9/20	History and Policy Justifications	1	13
6/9/20	Originality I	14	25
6/9/20	Originality II	25	40
6/11/20	Facts	40	59
6/11/20	Ideas I	59	79
6/16/20	Ideas II	79	99
6/16/20	Useful Article Doctrine	99	114
6/16/20	Fixation	115	119
6/18/20	Works made for hire	120	149
6/18/20	Joint Authorship	149	157
6/18/20	Joint Authorship	161	169
6/18/20	Assignment	170	178
6/23/20	Publication	179	186
6/23/20	Notice	187	188
6/23/20	Deposit and Registration	189	190
6/23/20	Duration	190	206
6/23/20	Renewal	206	207
6/23/20	Basic Infringement	228	232
6/23/20	Copying	232	241
6/23/20	Improper Appropriation	241	253
6/25/20	Ordinary Observer Test	253	275
6/25/20	copying and sound recordings	275	278
6/25/20	<i>VGM Salsoul v. Madonna</i>	TWEN	
6/25/20	Derivative Works	278	288
6/25/20	Public Display	288	289
6/30/20	Public Distribution and First Sale	290	290
6/30/20	<i>Capitol Records v. Redigi</i>	TWEN	
6/30/20	<i>Kirtsaeng v. Wiley</i>	295	307
6/30/20	Public Performance	308	321
6/30/20	Compulsory Licensing	322	323
7/2/20	Digital Technology and Exclusive Rights	323	353
7/2/20	Fair Use I	370	386
7/7/20	Fair Use II	386	412
7/7/20	Fair Use III	413	435
7/9/20	Fair Use IV	435	455
7/9/20	First Amendment	464	467
7/9/20	Other Defenses	469	471
7/9/20	Vicarious Liability	472	485
7/9/20	Contributory Liability	485	494
7/14/20	Modern Tech and 3d Party Liability - I	494	521
7/14/20	Modern Tech and 3d Party Liability - II	521	534
7/16/20	DMCA	535	552
7/16/20	Anti-circumvention problems I	552	572
7/21/20	Anti-circumvention problems II	572	591
7/21/20	Injunctions	592	603
7/21/20	Preliminary Injunctions	603	604
7/21/20	Damages	605	618

