

## Introduction to Copyright: Hypotheticals

### FIRST SET

1. Amanda is teaching a course about Milton. She prepares lecture outlines and then extemporizes from them in class. Does copyright cover what Amanda says in class?
2. Amanda arranged to have a particular class session recorded so that absent students could watch it later. Does copyright cover what Amanda said in that session?
3. Bruce, a University staff member who advises students applying to graduate school, creates a list of all University faculty that includes their first and last names, any graduate degrees they have earned, and the institutions from which they earned those degrees. He organizes the list alphabetically, according to the degree-granting institution. Does copyright cover Bruce's list?
4. What elements on the cookbook page below are covered by copyright?

cookies, bars & candies 203

### CHOCOLATE FUDGE

*This traditional fudge recipe is perfect to make for gifts or to serve on a dessert tray.*

**PREP** 35 min **TOTAL** 2 hr 35 min • 64 candies

- 4 cups sugar
- 1½ cups milk or half-and-half
- ¼ cup light corn syrup
- ¼ teaspoon salt
- 4 oz unsweetened baking chocolate, chopped, or ¾ cup unsweetened baking cocoa
- ¼ cup butter, cut into pieces
- 2 teaspoons vanilla
- 1 cup chopped nuts, if desired

- 1 Check the accuracy of your candy thermometer before starting (see Using a Candy Thermometer, at left). Grease bottom and sides of 8-inch square pan with butter.
- 2 In 3-quart saucepan, cook sugar, milk, corn syrup, salt and chocolate over medium heat, stirring constantly, until chocolate is melted and sugar is dissolved. Cook, stirring occasionally, to 234°F on candy thermometer or until small amount of mixture dropped into cup of very cold water forms a soft ball that flattens when removed from water; remove from heat. Stir in butter.
- 3 Cool mixture without stirring to 120°F, about 1 hour. (Bottom of saucepan will be lukewarm.)



### SECOND SET

5. Celia is an American citizen, born in 1930, who has lived in Spain since 1939. Celia published her English-language novel in Spain in 1965. In 1968, she published it in the United States, but she did not comply with U.S. formalities. The work has never been in the public domain in Spain. Is the work in the public

domain in the U.S.? If not, when do you anticipate it will enter the public domain here?

6. Damon wrote his memoir, *My Life in Michigan*, in the 1930s. He produced three typewritten copies, one of which he gave to each of his children. Damon died in 1942. Is the work in the public domain in the U.S.? If not, when do you anticipate it will enter the public domain here?

#### THIRD SET

7. Suppose Shakespeare's *Romeo and Juliet* were protected by copyright. Would *West Side Story*, created later and staged on Broadway, infringe that copyright? Which exclusive rights, if any, would be infringed?
8. Suppose Shakespeare's *Romeo and Juliet* were protected by copyright. Would the movie version by Franco Zeffirelli, created later, infringe that copyright? Which exclusive rights, if any, would be infringed?

#### FOURTH SET

9. Bruce, a University staff member who advises students applying to graduate school, creates a guide for those students. Who is the author of the guide, for the purposes of copyright law?
10. Esther is a mathematics professor at the University of Michigan. She publishes an article about her research. Who is the author of the article, for the purposes of copyright law?

#### FIFTH SET

11. Helen is a professional photographer. She supports herself by taking family portraits. She is also a local history buff and takes high-quality photographs of local historic places in her spare time. Last March she photographed an early twentieth-century historic bridge and uploaded the photo to Flickr under a Creative Commons Attribution-NonCommercial License. Under which of the following circumstances would you use Helen's photo? Why or why not?
  - a. In a video lecture for an online course about early twentieth-century architecture
  - b. On the cover of a local atlas which you plan to sell to make a profit
  - c. On your website about local history

#### SIXTH SET

12. Gerald writes a calculus textbook. Esther scans portions of it to put on her password-protected course website for students in her calculus class. Would Gerald succeed if he sued Esther for copyright infringement? If you require additional facts, what are they?
13. Gerald writes a calculus textbook. Frances scans portions of it to put on her password-protected course website for students in her education class. Would Gerald succeed if he sued Frances for copyright infringement? If you require additional facts, what are they?

## SEVENTH SET

14. Isabella is taking a course on documentary film. For the final project, Isabella is making a short biographical film about her roommate, who has given her permission to make the film. The roommate leads a choral group on campus, and Isabella would like to include footage from the choral group's rehearsals. Isabella would also like to include footage of her roommate's conversation with another friend, captured while they watched *House of Cards* together. Finally, Isabella would like to include a shot in which she pans the camera over her roommate's bedroom wall, on which several posters and a few printed snapshots hang. The film will be turned in via the university's LMS and screened at a film festival on campus. Will Isabella be liable for copyright infringement?
15. A library is digitizing rare non-fiction works about local fauna from its collection, then making the full text of the works available to the public via its website. The library has been unable to identify the copyright holder(s) for *Amphibians of Calaveras County*, a 1957 book that is out of print and is not available for purchase as an ebook or from any print-on-demand service. Would the library be liable for copyright infringement if it posted a digital copy of *Amphibians of Calaveras County* on its website?