

Introduction to Copyright: Hypotheticals

FIRST SET

1. Misty is a student in Ballet I. She improvises a dance solo in class. Does copyright cover Misty's solo?
2. Misty is directing and dancing in a campus production of *Firebird*. She arranged to film last Friday's rehearsal. Is the solo she improvised during Friday's rehearsal covered by copyright?
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.)



Testing Candy Temperatures

Thread stage (230°F to 233°F): Fine, thin, 2-inch thread falls off spoon when removed from hot mixture.

Soft-ball stage (234°F to 240°F): When dropped into very cold water, forms a soft ball that flattens between fingers.

SECOND SET

5. Amelia is an American citizen, born in 1930, who has lived in Spain since 1939. Amelia 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. Bill 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. Bill 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. Chris is a biology 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. Amy 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 Amy'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. In the Wikipedia article for the bridge
 - d. On your website about local history

SIXTH SET

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