What Copyright Covers: Hypotheticals

With a partner or small group, review the hypotheticals below. Be prepared to share your answers and discuss them with the group.

1. Sasha takes a photo of a 17th-century painting that is in the public domain. Can Sasha's photo be protected by copyright? What additional information, if any, do you need to draw this conclusion? What does this mean for a second person who wants to photograph the same painting?

2. Matt creates a word frequency list of Dickens's *Bleak House* (which is in the public domain). That is, for every word that occurs in the book, he notes the total number of times it appears in the book. Is Matt's list copyrightable? Why or why not? Is there anything Matt could do to make the list copyrightable or uncopyrightable?

3. Christopher Horner is a photojournalist for the *Pittsburgh Tribune-Review*. Earlier this year, he took a photograph of the crowd at a spring training baseball game, capturing the moment when a father used his arm to protect his son's face from a flying baseball bat (below). What aspects of that photograph are protected by copyright?
Allison is preparing a textbook on biology. She owns a copy of Campbell's *Biology* (2000) and would like to include as much as possible from page 37 (below), which includes text about carbohydrates, a photograph of bees, and two molecular diagrams. What can Allison copy from that page without implicating copyright?

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5. The image below is from the Cake Wrecks blog. What aspects of the cake in the image are protected by copyright? What aspects of the cake could be incorporated into a subsequent cake without implicating copyright?

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