

## 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?



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4. Allison is preparing a dessert cookbook. She owns a copy of the *Betty Crocker Cookbook* and would like to include as much as possible from page 203 (below), which includes information about making fudge. What can Allison copy from that page without implicating 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 ½ cup unsweetened baking cocoa
- ½ 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.

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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