

Class 6: Works Made for Hire, Government Works, and Formalities

Administrative

Next Time

191-207

Sect. 101 definitions, 102(a), 113(a-c)

One week from today: No class

Consider attending Silicon Flatirons conference

Last Time

Joint Works

➤ Definition

Example

➤ Charting the Beatles

Must each author contribute something separately copyrightable?

Erickson v. Trinity Theater

Arguments for each?

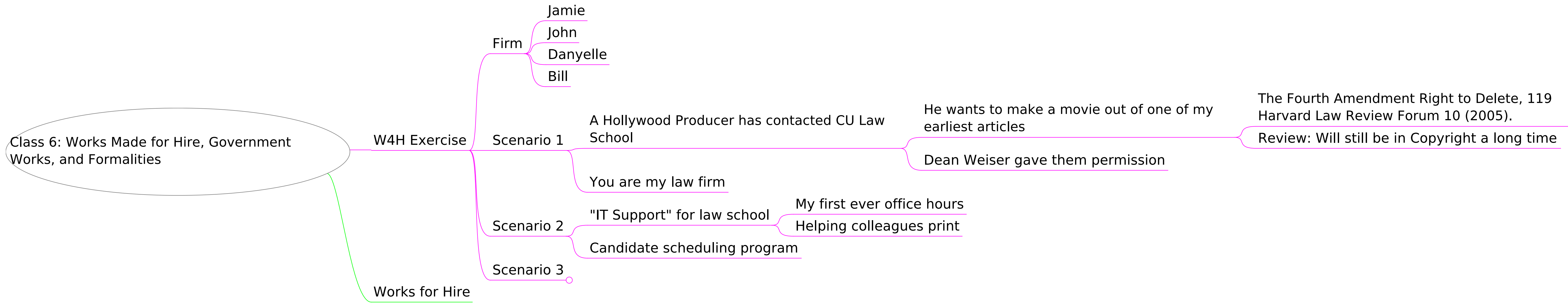
Aalmuhammed v. Lee

Basic Facts

Held

Thomson v. Larson

Works for Hire



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W4H Exercise

Works for Hire

Firm

Jamie

John

Danyelle

Bill

Scenario 1

A Hollywood Producer has contacted CU Law School

He wants to make a movie out of one of my earliest articles

The Fourth Amendment Right to Delete, 119 Harvard Law Review Forum 10 (2005).

Review: Will still be in Copyright a long time

Dean Weiser gave them permission

Scenario 2

"IT Support" for law school

My first ever office hours

Helping colleagues print

Candidate scheduling program

Scenario 3

Firm

Scenario 1

Scenario 2

Scenario 3

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Works for Hire "Employee" CCNV v. Reid

Basic Facts



In support of CCNV

Mitch Snyder (member and trustee of CCNV) and others conceived of idea.

Two adults, one infant.

Black.

Life-sized

Pedestal

Grate

Real "steam"

In support of Reid

CCNV Contributions During development of idea

Suggested reclining poses.

Many visits to check on his progress.

Built the pedestal and base.

Rejected shopping bags, suitcases in lieu of cart.

Selected material to use (given funding constraints)

Several sketches made.

Sculptor: Skilled occupation.

Own tools

Distant from CCNV (Baltimore)

Less than two months

Absolute freedom as to schedule

Discretion as to assistants.

No taxes, benefits, etc.

Oddity in the case

Who "owns" the physical sculpture?

So Reid couldn't prevent the traveling show, anyway!

Held

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Works for Hire

Within the Scope of Employment

Roeslin v. DC

Facts

P is labor economist employed by DC government

Clearly employee

Job description at top of 133, didn't include computer programming

Created a computer program to assist processing of employment surveys

Supervisor

Not feasible

Not desirable

You're too busy

It will be in the public domain

P

On own time

Motivation

Other relevant facts, 133-34

Maybe DC started pitching it to State of Maine?

Ownership dispute begins

Held