

#### Happy Note

To make things simpler and avoid huge amounts of text on the screen, assume all works are U.S. works by U.S. authors and all publication, alleged infringement, litigation, and other actions take place entirely in the United States.

A book by Aiesla Asadu is published in 2002. In 2021 I reproduced and distributed it without authorization. The copyright has never been registered. Is Aielsa now precluded from bringing a good infringement case against me?

- A. Yes
- B. No

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A. Yes

B. No ←

She'll need to register before suit, but she can sue me over what I did before she registered.

A book by Aiesla Asadu is published in 2002. In 2021 I reproduced and distributed it without authorization. The copyright has never been registered. Am I better off as an infringement defendant compared to if she had registered in 2020 or before?

A. Yes, because I won't be liable for statutory damages

B. Yes, because I won't be subject to an injunction.

C. No, not really

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17 U.S.C. § 401:

(a) General Provisions.—

Whenever a work protected under this title is published in the United States or elsewhere by authority of the copyright owner, a notice of copyright as provided by this section <u>may</u> be placed on publicly distributed copies from which the work can be visually perceived, either directly or with the aid of a machine or device.

(b) Form of Notice.—If a notice appears on the copies, it shall consist of the following three elements:

(1) the symbol © (the letter C in a circle), or the word "Copyright", or the abbreviation "Copr."; and

(2) the year of first publication of the work; in the case of compilations, or derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient. The year date may be omitted where a pictorial, graphic, or sculptural work, with accompanying text matter, if any, is reproduced in or on greeting cards, postcards, stationery, jewelry, dolls, toys, or any useful articles; and

(3) the name of the owner of copyright in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.



# Are these good copyright notices?

#### **Copyright Notice**

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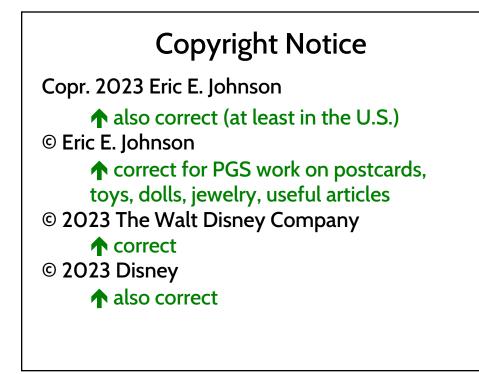


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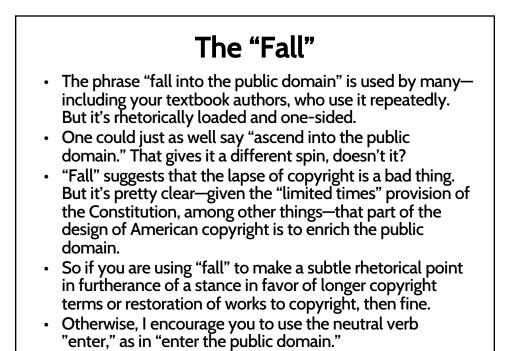
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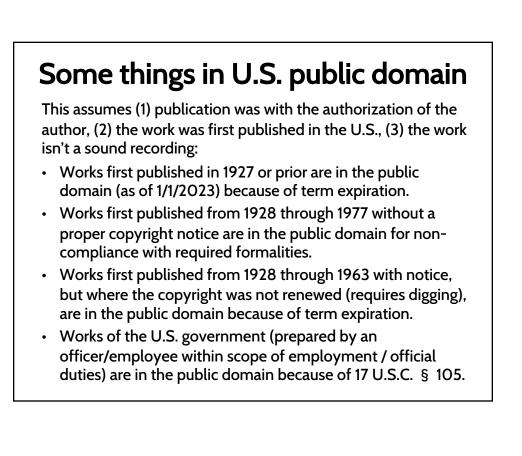
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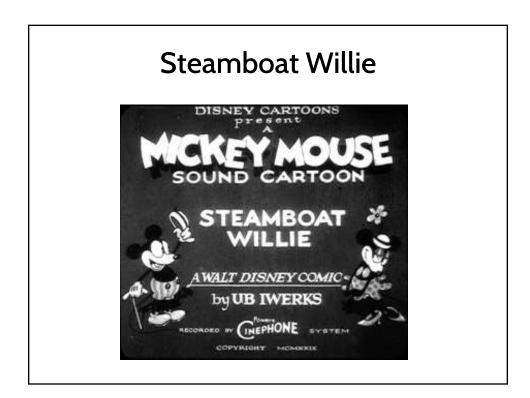






In 1929, a movie was distributed to and shown in movie theatres in the United States without a proper copyright notice. Today, is it copyright infringement to make unauthorized copies of the movie?

- 1. Yes
- 2. No



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1. Yes

2. No ←

Under the 1909 act, copyright didn't attach without proper notice. (But would you tangle with Disney about this?)

### *Using your casebook,* determine when the copyright will expire:

Martha Meadows and Mercury Meadows (real names) co-authored a musical composition, "Walking on Moonshine" writing it down as sheet music in 1999. In 2002, they first published the sheet music, under their names. Martha will die before Mercury. She doesn't take care of her health, lives dangerously, plus, I can see into the future. When will the copyright to "Walking on Moonshine" expire? *Using your casebook,* determine when the copyright will expire:

Martha Meadows and Mercury Meadows (real names) co-authored a musical composition, "Walking on Moonshine" writing it down as sheet music in 1999. In 2002, they first published the sheet music, under their names. Martha will die before Mercury. She doesn't take care of her health, lives dangerously, plus, I can see into the future. When will the copyright to "Walking on Moonshine" expire?

Answer: 70 years after Mercury dies.

## *Using your casebook,* determine how when the copyright will expire:

Hexetron Heavy Industries Inc. had its HR professionals draft a secret internal memorandum: "Discipline for Suspected Corporate Spies." The memo was completed in 2000. The work has never been made available to the public, nor were copies ever been offered for sale, until 2010, when Hexetron published it in a book compilation titled "Global Solutions: Tough-Minded Management." When will the copyright to the memo expire? *Using your casebook,* determine when the copyright will expire:

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Answer: The year 2105, because that's 95 years from publication, which is sooner than 120 years after fixation.

WITHOUT USING your casebook, determine the earliest year from today onward that someone can reproduce the work without authorization:

The United States Space Force had uniformed officers write a 120-page manual titled, "The Modern Astronaut's Nutrition Guide and Cookbook." The manual was drafted and printed in 2020. It was not distributed publicly, but it was not classified as secret. Then, in 2023, the U.S. Space Force published the manual as a printed book and sold it through retailers nationwide. WITHOUT USING your casebook, determine the earliest year from today onward that someone can reproduce the work without authorization:

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Answer: The year 2023. (But it could have been done as soon as 2020.)

The manual is in the public domain under 17 U.S.C § 105 because it is a work of the federal government.

*WITHOUT USING your casebook,* determine the earliest year from today onward that someone can reproduce the work without authorization:

Christy Cogman authored a book and published it in 1926. She complied with all formalities.

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Christy Cogman authored a book and published it in 1926. She complied with all formalities.

Answer: The year 2023.

Cogman's book is in the public domain. (In fact it was in the public domain prior to 2023.)