

COPYRIGHT

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CLASS 2:
FIXATION; ORIGINALITY I

CLASS OUTLINE

- Subject Matter of Copyright (§ 102)
- Fixation
- Originality (Classic Cases)

REQUIREMENTS FOR COPYRIGHTABLE SUBJECT MATTER

1. Fixation
2. Originality
3. Expression (Not Ideas)

§ 102. SUBJECT MATTER OF COPYRIGHT: IN GENERAL

§ 102(a): “Copyright protection subsists ... in original works of authorship fixed in any tangible medium of expression...”

§ 101. FIXATION

A work is “fixed” in a tangible medium of expression when its embodiment in a copy or phonorecord, by or under the authority of the author, is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration. A work consisting of sounds, images, or both, that are being transmitted, is “fixed” for purposes of this title if a fixation of the work is being made simultaneously with its transmission.

§ 101: COPIES

“Copies” are material objects, other than phonorecords, in which a work is fixed by any method now known or later developed, and from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term “copies” includes the material object, other than a phonorecord, in which the work is first fixed.

§ 101: PHONORECORDS

“Phonorecords” are material objects in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term “phonorecords” includes the material object in which the sounds are first fixed.

§ 101. FIXATION

A work is “fixed” in a tangible medium of expression when its embodiment in a copy or phonorecord, by or under the authority of the author, is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration.

§ 101. Fixation

A work is “fixed” in a tangible medium of expression when its embodiment in a copy or phonorecord, by or under the authority of the author, is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration. A work consisting of sounds, images, or both, that are being transmitted, is “fixed” for purposes of this title if a fixation of the work is being made simultaneously with its transmission.



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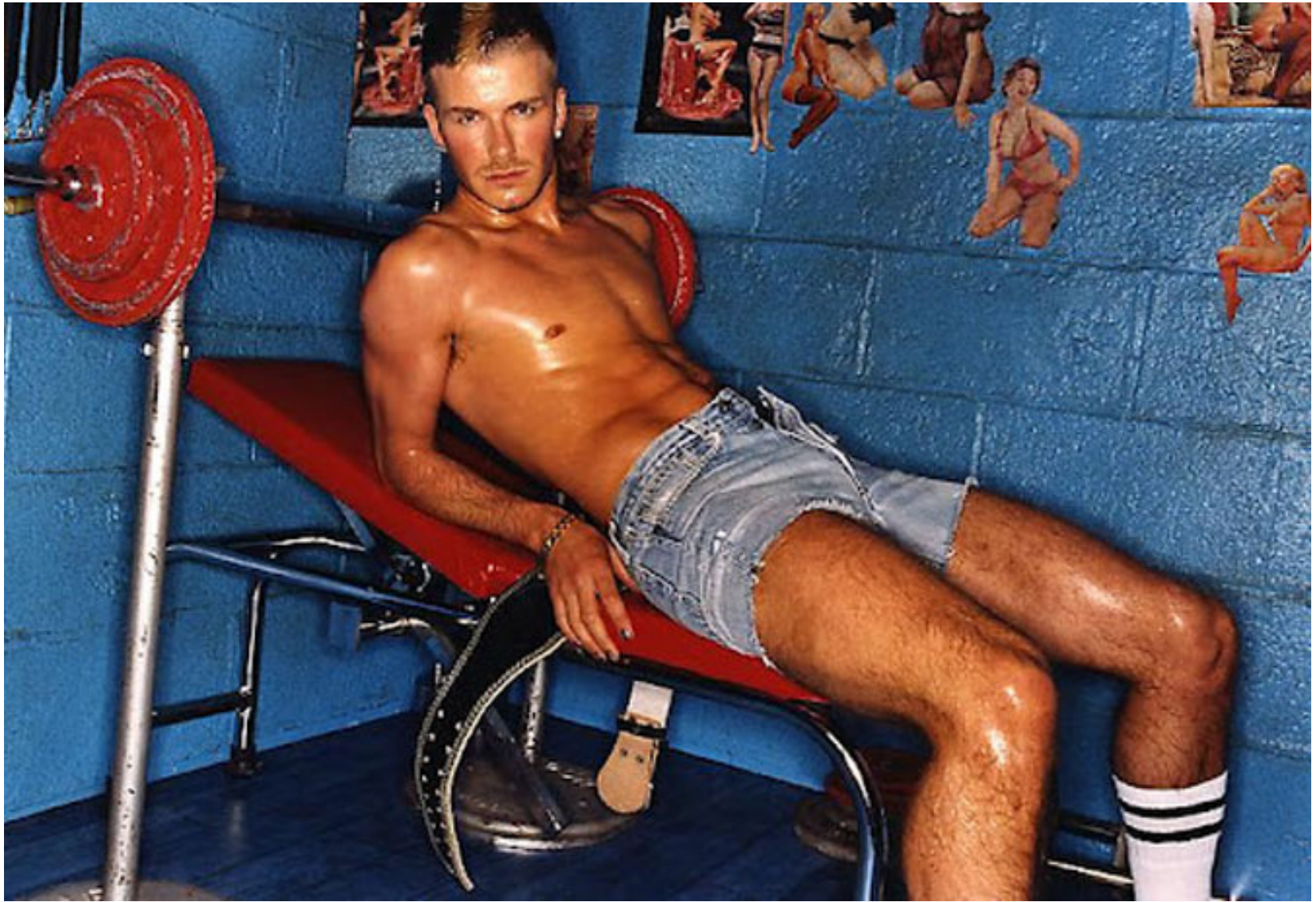






§ 102. Subject matter of copyright: In general

§ 102(a): “Copyright protection subsists ... in original works of authorship fixed in any tangible medium of expression...”







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“It would be a dangerous undertaking for persons trained only to the law to constitute themselves final judges of the worth of pictorial illustrations; outside of the narrowest and most obvious limits.”