COPYRIGHT

PROFESSOR KRISTELIA GARCÍA

CLASS 3:
ORIGINALITY II

Class Outline

- Originality (Section 102)
  - Facts
  - Short words & phrases
  - Independent creation & ”modicum”
  - Photographic originality (rendition, timing, subject)

§ 102. Subject matter of copyright: In general

§ 102(a): "Copyright protection subsists … in original works of authorship fixed in any tangible medium of expression…"

Feist v. Rural Telephone

C & C Swine Equip Inc 854-7461
Ultraspan Panels Division
Long Island 854-7465
C & G Drilling
Car Phone 885-4387
Car Phone 673-4431
C J B Cox Hog Farm
Long Island 854-7446
C & L Well Serv
Car Phone 885-4361
Car Phone 885-4354
Car Phone 673-4416
CADORET OIL CO
1116 Main Stockton..... **425-9975**
Cady Auddie
Galatia 316 935-4209
Caldwell Guy W Harlan 697-2940
Caldwell–Wagner Angus Farm
Harlan 697-2232
Calhoon John H & Airetta
Long Island 854-7653
Calhoon Leonard L
Lenora 567-4363
Call Mike Damar..... 839-4209
Cameron Jerrilyn D & Phyllis
Agra 638-2810
Campbell Albert J 'Red' & Elda L
Selden 386-4254
Campbell Charles Farm
Woodston 994-6359
Campbell Charles & Kathleen
Rt Woodston 994-6388
Campbell Joan Lenora 567-4345
Cannon Howard Cedar 697-2292
Caplinger James
Car Phone 567-4751
Car Phone 567-4769
Capstick Frances Mrs
Prairie View 973-2338
Carey Charles & Reta Lenora.. 567-4392
Carey Fred B & Agnes Lenora . 567-4271
Carlin Dewey & Ramona
Rt Natoma 885-4771
Carman Alton H & Marie
Oberlin 386-4304
Carman David Dresden 386-4264
Carman Dean R Dr Collyer..... 769-5253
Carman Duane Dresden 386-4271
Carman Edith L Mrs Selden..... 386-4387
Carter Kenneth W & Julie
Jennings 678-2342
Carter Robert Rev Athol..... 695-2324
Carter Russell Olmitz..... 316 586-3334
Carter Willard & Naomi
Jennings 678-2613
Carter William & Rachel
Jennings 678-2611
CARTERS CONOCO
Jennings..... **678-2697**
Carver Elmer Logan..... 689-4301
Carver Sidney Logan..... 689-4282
Cary Dean & Emaline
Prairie View 973-2394
Casey David E & Mary
Grainfield 673-4271
Casey Donald & Doris
Rt Natoma 885-4515
Casey James C & Juanita
Rt Natoma 885-4522
Casey Jay
Rt Natoma 885-4619
Casper Gary
1302 E 6th Victoria..... 735-9306
Caspers Alvin
Smith Center 695-2201
Caspers Gerald & Betty
Gaylord 697-2641
Casteel Earl Gaylord..... 697-2277
Casteel Francis Cedar 697-2791
Casteel Gene Gaylord..... 697-2788
Casteel Retail Liquor Store
Cedar 697-2615
Caswell Raymond & Margaret
Long Island 653-2527
Catholic Rectory Collyer..... 769-5272
Catholic Rectory Damar..... 839-4343
Catholic Rectory Logan..... 689-4299
Catholic Rectory Morland..... 627-4815
Catholic Rectory
New Almelo..... 567-4875
If No Answer Dial 567-4641
Catholic Rectory Park 673-4684
Catholic Rectory Pfeifer 735-2253
Catholic Rectory Selden 386-4496
Leoville..... 386-4409
Central Crude Corp Jennings... 678-2601
Cerrow Gladys Mrs Plainville ... 662-3291
Cerrow Richard Plainville..... 662-3291
Cheney C Duane & Marge
Rexford..... 687-4925
Cheney Gary
Rexford..... 687-4651
Cheney Grace Mrs Rexford 687-3981
Cheney Howard Grainfield..... 673-4646
Cheney J W Mrs Selden 386-4251
Cheney Jim Rexford..... 687-2841
Cheney John D & Phyllis
Selden 687-2041
Chesney Bruce
404 N 2nd Natoma..... 885-4514
Chesney E M
514 Main Natoma..... 885-4708
Chesney Everett G & Sherry
709 Hachmeister Natoma 885-4513
Chesney Homer B
Rt Natoma 885-4717
Chesney Keith M
Woodston 994-6524
Chesney Kent L Jr Woodston.. 994-6236
Chesney Robert (Ranch)
Woodston 994-6243
Chesney Warren K & Wanda
Woodston 994-6222
Childs Birdie Mrs Selden..... 386-4293
Childs F N (Tanny) Rexford..... 687-3081
Chisham Kenneth & Jeanette
Lenora 567-4870
Choate Jerry & Fi
Rt Victoria..... 735-9308
Chrestensen George G
Kensington..... 476-2619
Chrisler Delmar Rt Natoma 885-4573
Chrisler Don Rt Natoma 885-4767
Chrisler Don
804 4th Natoma..... 885-4566
Chrisler Eldon L Rt Natoma 885-4744
Chrisler Gene & Dorene
Rt Natoma 885-4734
Chrisler Joyce
921 5th St Natoma..... 885-4875
Christ Church Assembly Of God
Kensington..... 476-2822
Parsonage Kensington..... 476-2823
Christensen Clara Mrs
916 4th Natoma..... 885-4691

FEIST

"Original, as the term is used in copyright, means only that the work was independently created by the author (as opposed to copied from other works), and that it possesses at least some minimal degree of creativity."

The Treatment of Facts

The Height of Mount Everest

Measurements:

1848: 9205 m. (30,200 ft.)

1856: 8840 m. (29,002 ft.)

1955: 8848 m. (29,028 ft.)

1999: 8850 m. (29,035 ft.)

The Treatment of Facts

Why not protect these measurements under copyright law?

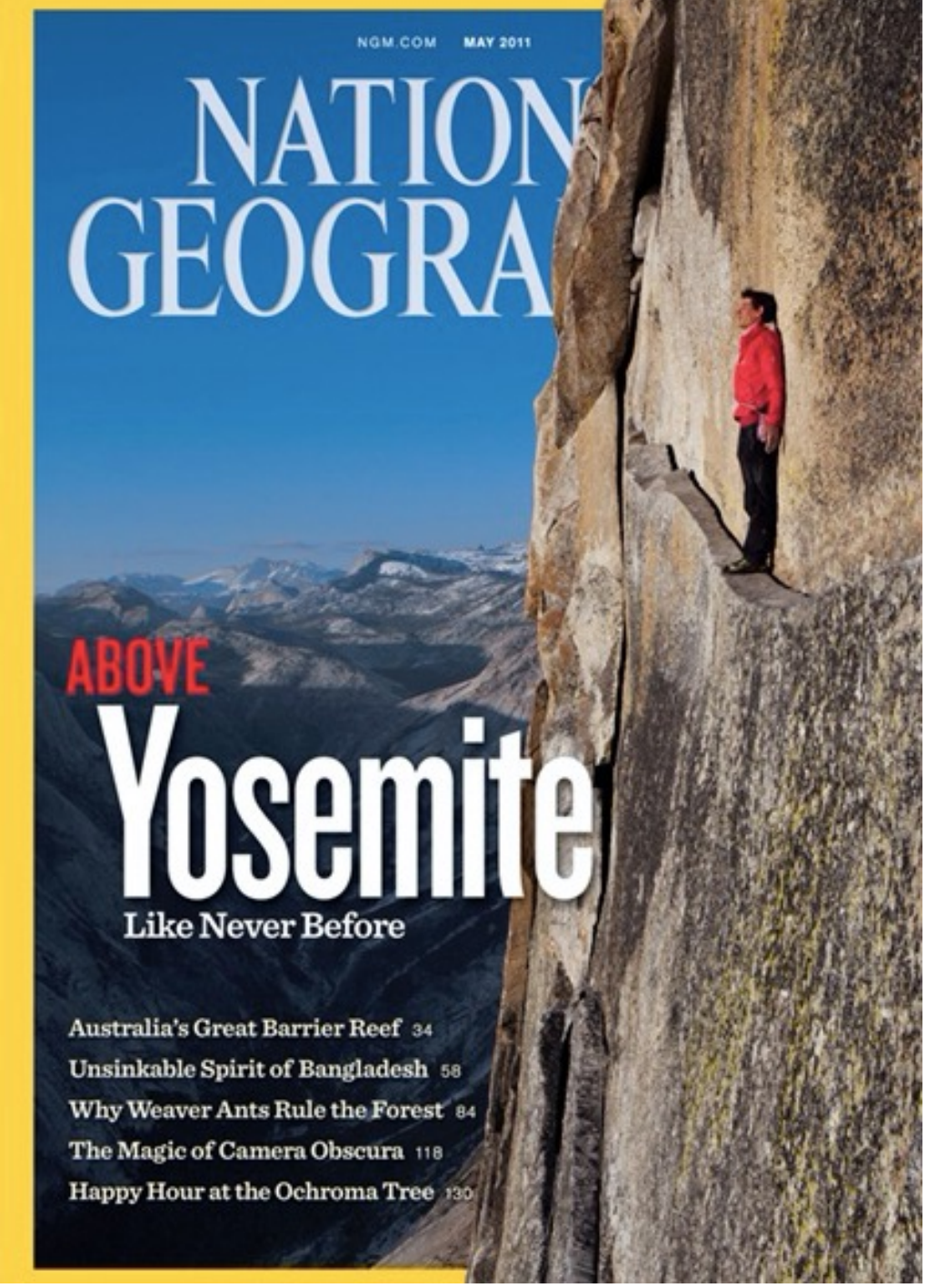
Arguments in favor of protection:

1) Accurate measurements certainly "advance the progress of science," so the law should give an incentive to make them.

2) The measurements are "original," in the sense that they do not depend on earlier measurements, but are made independently.

"Mr. James Caplinger, who currently resides in Leonora, Kansas, has not one, but two mobile telephone numbers, and they are, respectively, 567-4751, and 567-4769."

"James Caplinger of Leonora, Kansas has two mobile phone numbers: 567-4751 and 567-4769."


NGM.COM MAY 2011
NATION
GEOGRA
ABOVE
Yosemite
Like Never Before
Australia's Great Barrier Reef 34
Unsinkable Spirit of Bangladesh 58
Why Weaver Ants Rule the Forest 84
The Magic of Camera Obscura 118
Happy Hour at the Ochroma Tree 130

Thomas Mangelsen,
Catch of the Day

Alfred Eisenstaedt

Mannion's photo

"Iced Out" Comp Board (authorized)

Coors' eventual Billboard (with detail inset)

Photograph Originality

1. Rendition

2. Timing

3. Creation of the Subject (a seeming exception to the principle that copyright confers no right over the idea behind the photo)

To find originality:

(1) Independent Creation; and

(2) A "Modicum of Creativity"