

# COPYRIGHT

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## CLASS 4: DERIVATIVE WORKS AND COMPILATIONS

# CLASS OUTLINE

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- § 103 – Subject matter of copyright: Compilations and derivative works
- Derivative works
- Compilations –
  - Selection, arrangement and coordination of data
  - Selection, arrangement and coordination of elements other than data

# § 103: COMPILATIONS AND DERIVATIVE WORKS

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- (a) The subject matter of copyright ... includes compilations and derivative works ....
  
- (b) The copyright in a compilation or derivative work extends only to the material contributed by the author of such work, as distinguished from the preexisting material employed in the work, and does not imply any exclusive right in the preexisting material. ...

# § 101: Derivative work

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“a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed or adapted.”

## § 101: Compilation

“a work formed by the collection and assembling of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship. The term ‘compilation’ includes collective works.”

## § 101: Collective Work

“a work, such as a periodical issue, anthology, or encyclopedia, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole.”



Original 1886 Bank



Snyder's 1975 Version

“All that is needed...is that the ‘author’ contributed something more than a ‘merely trivial’ variation, something recognizably ‘his own.’”





“The key inquiry is whether there is sufficient nontrivial expressive variation in the derivative work to make it distinguishable from the underlying work in some meaningful way.”

-- 7<sup>th</sup> Cir. in *Schrock*