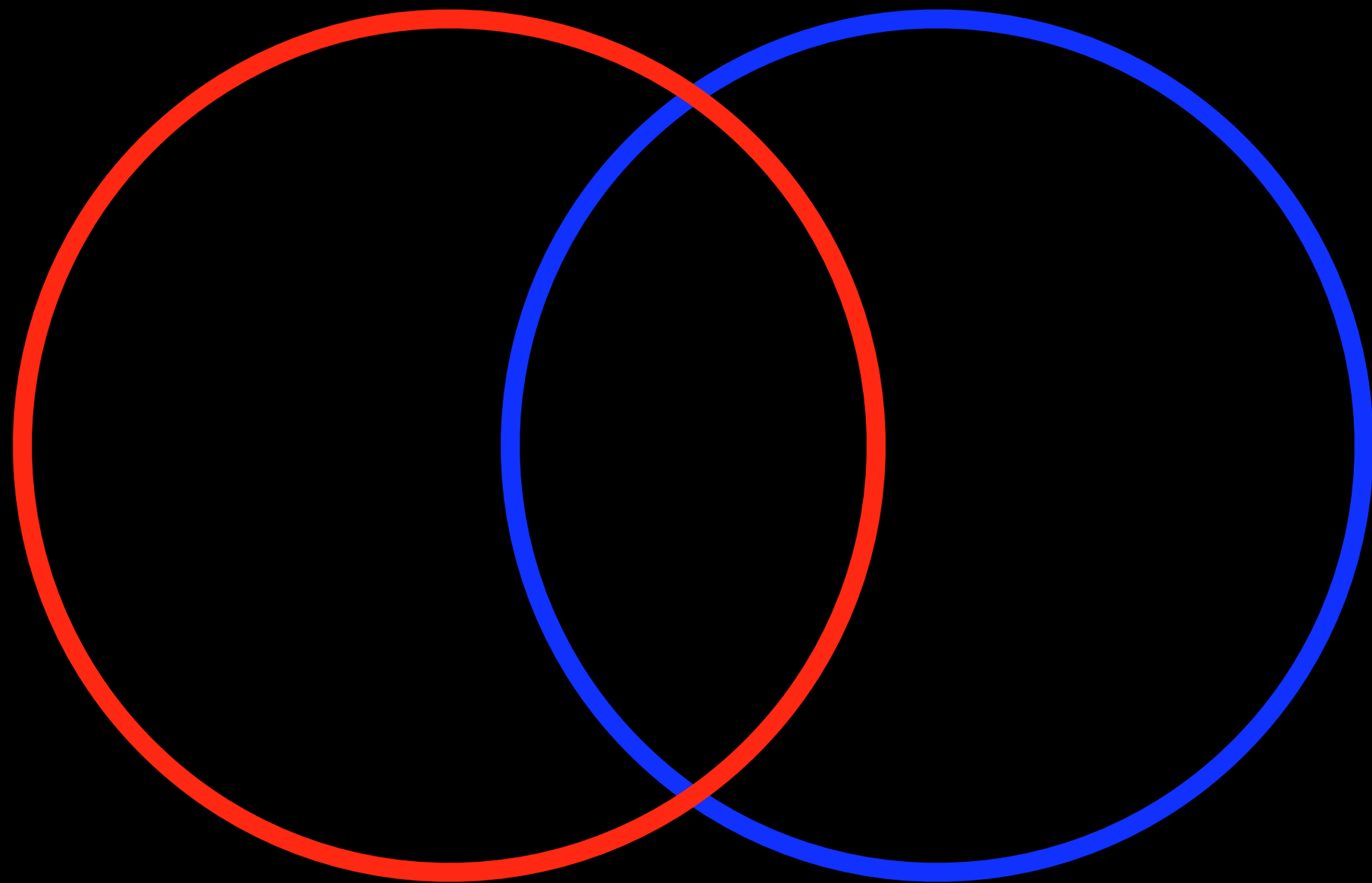
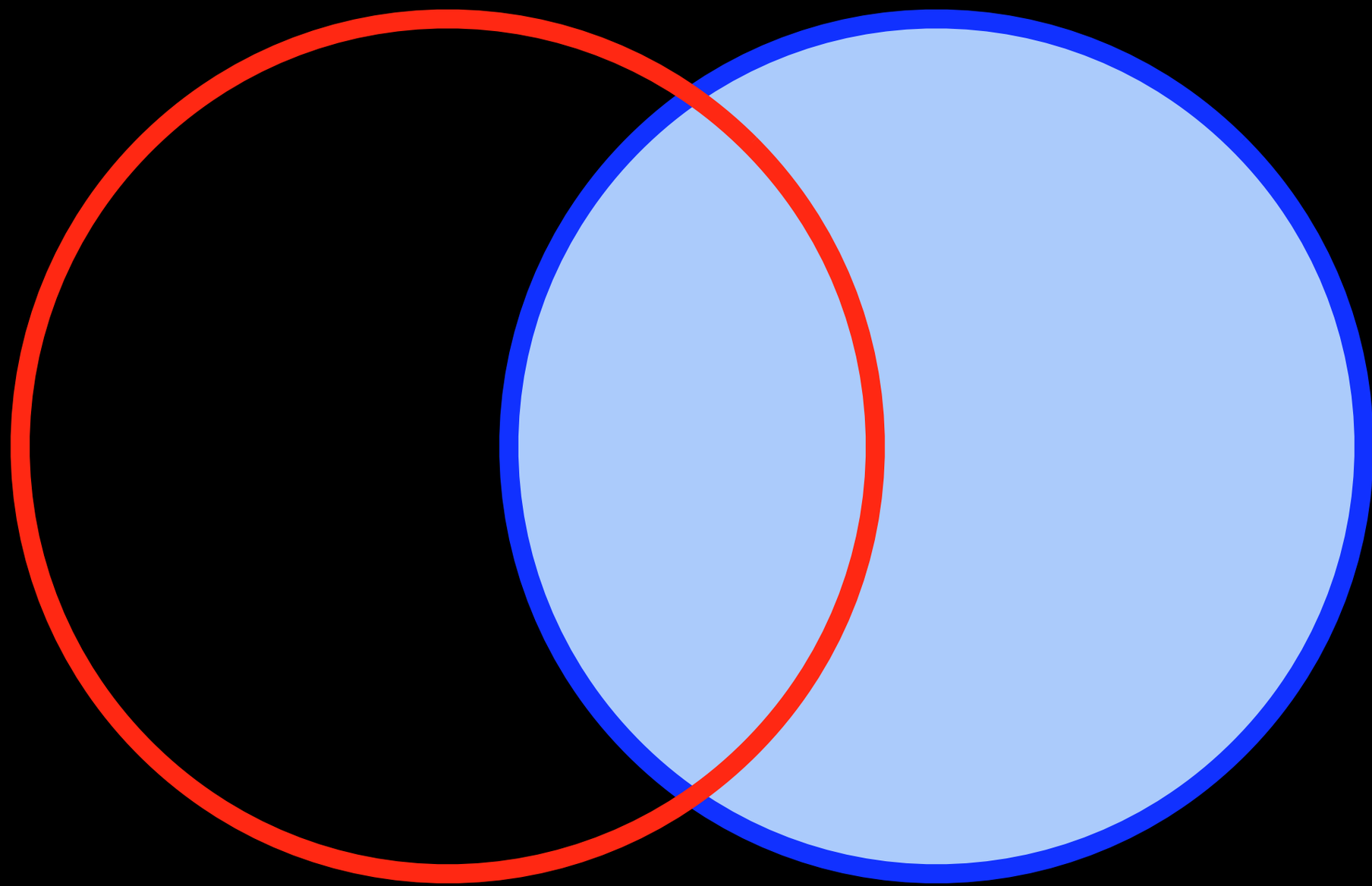
Derivatives and Compilations

Copyright Law – Professor Grimmelmann
Class 4 – September 4, 2008

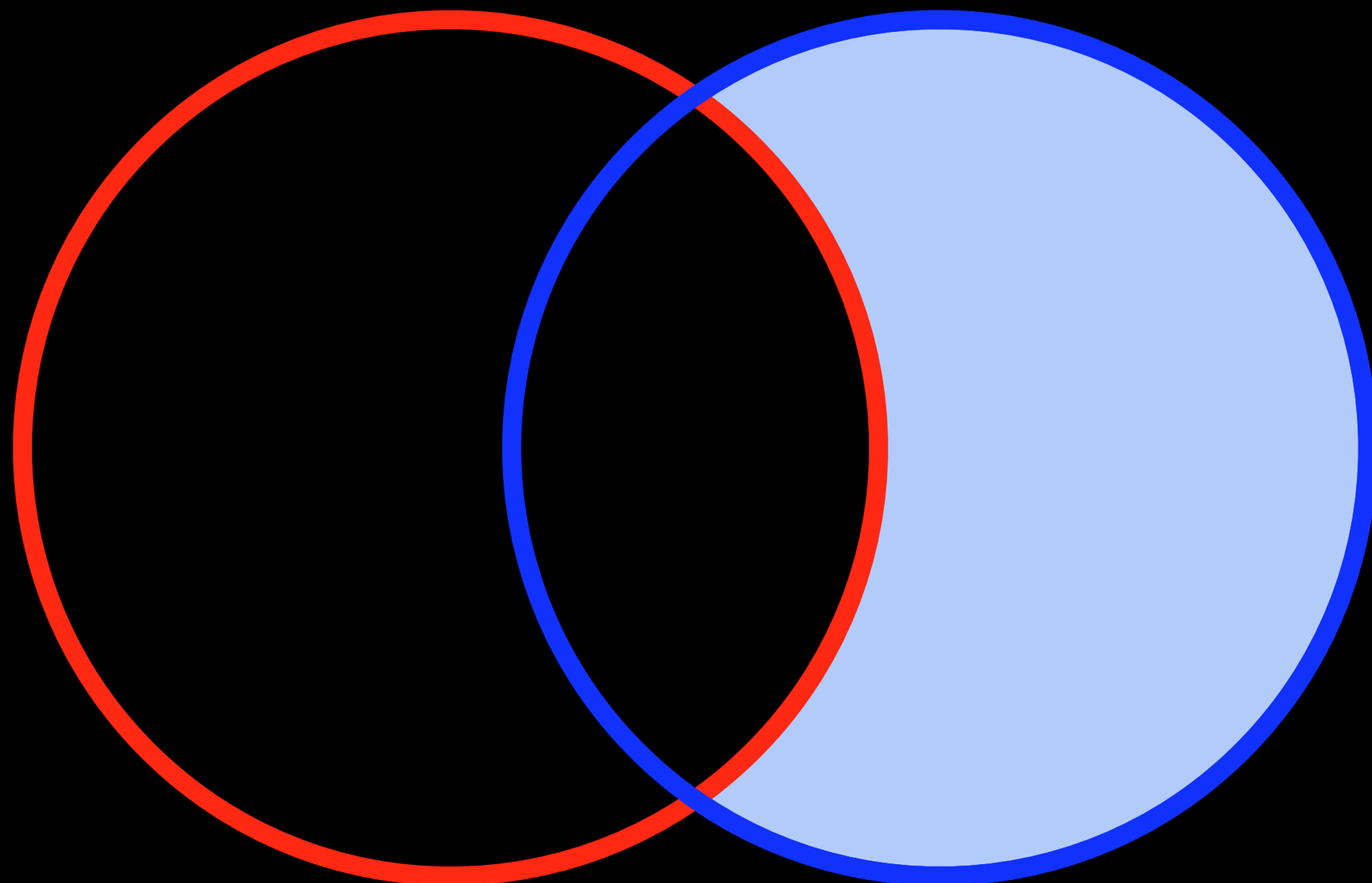
§101: "derivative work"



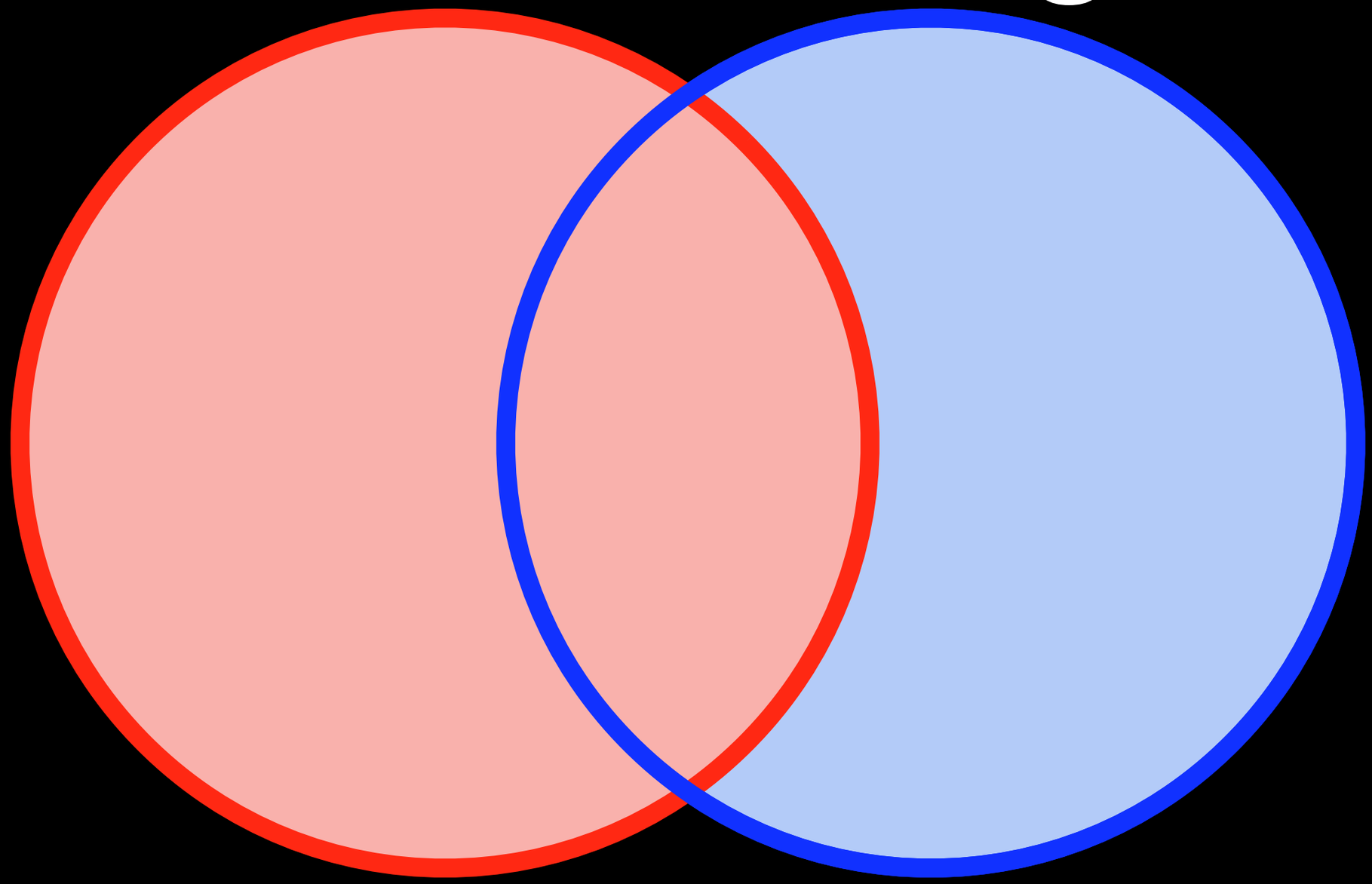
§103(a): "includes . . . derivative works"



§103(b): "only to the material contributed"



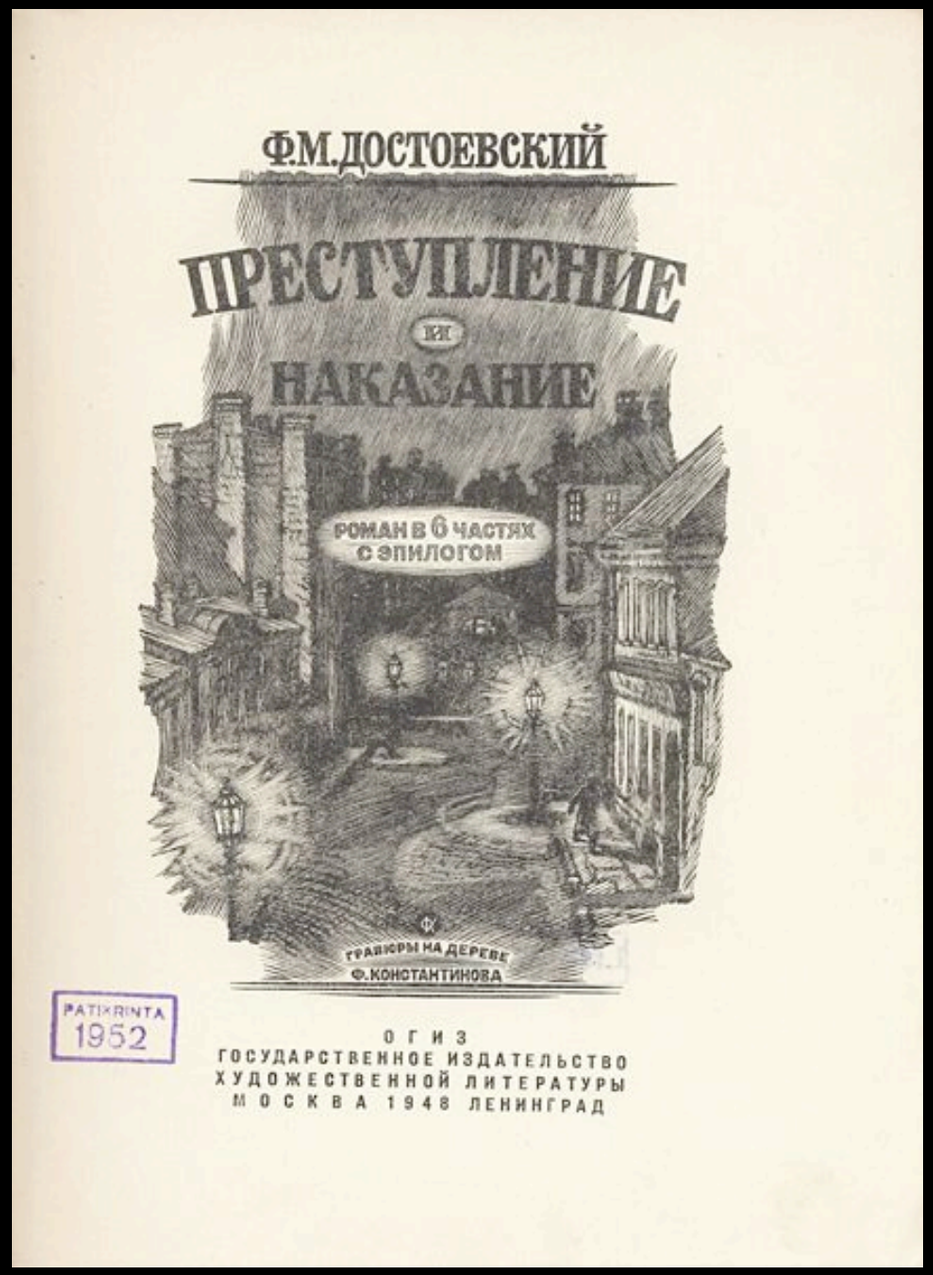
§103(b): "does not affect or enlarge"

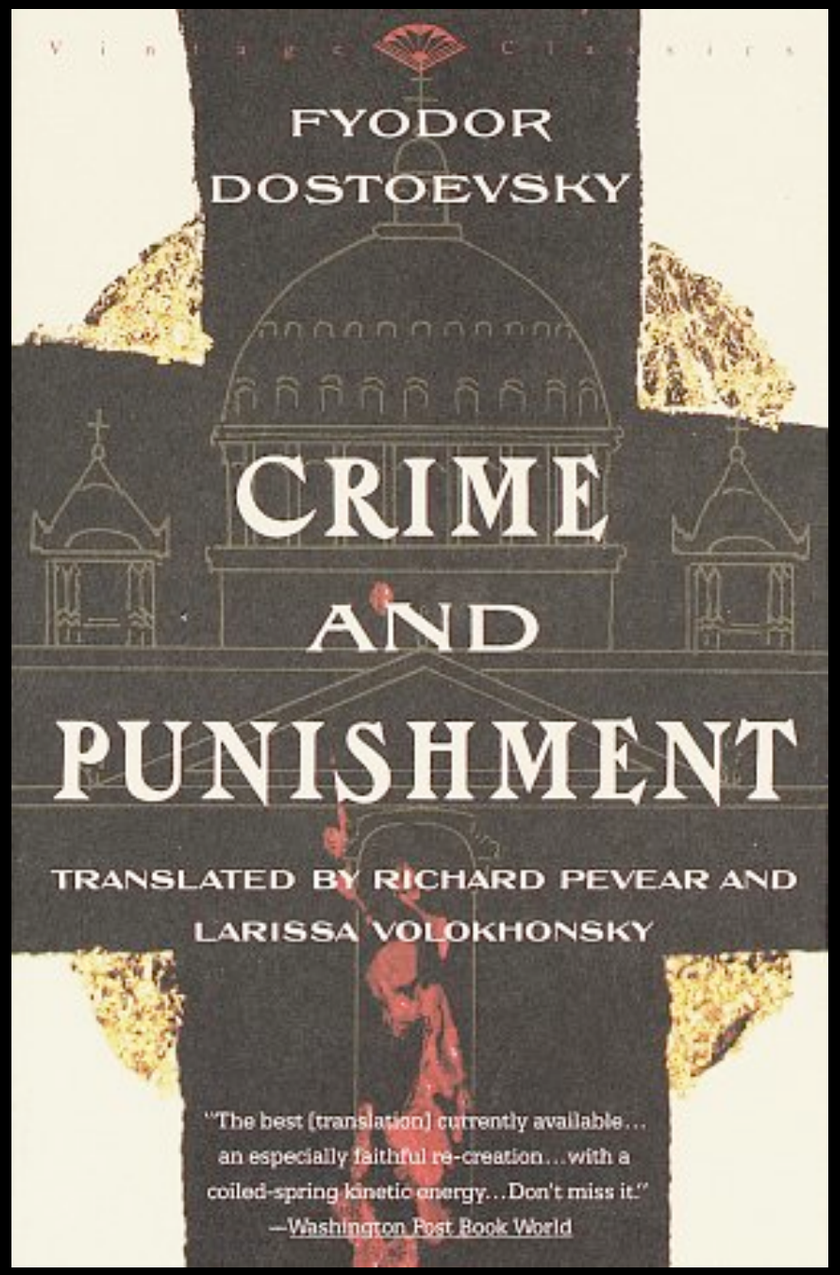


preexisting work

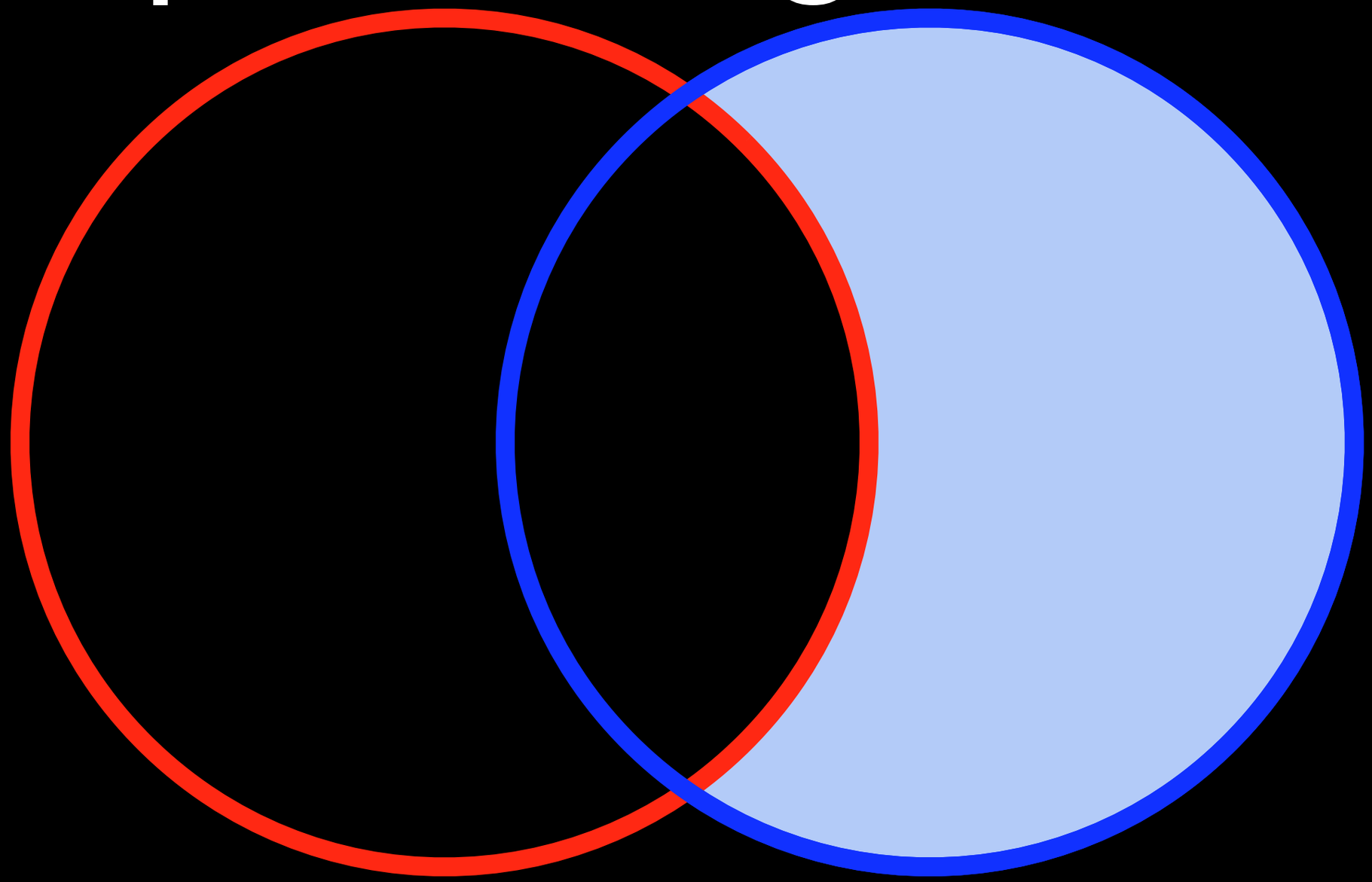
derivative work

Translation example





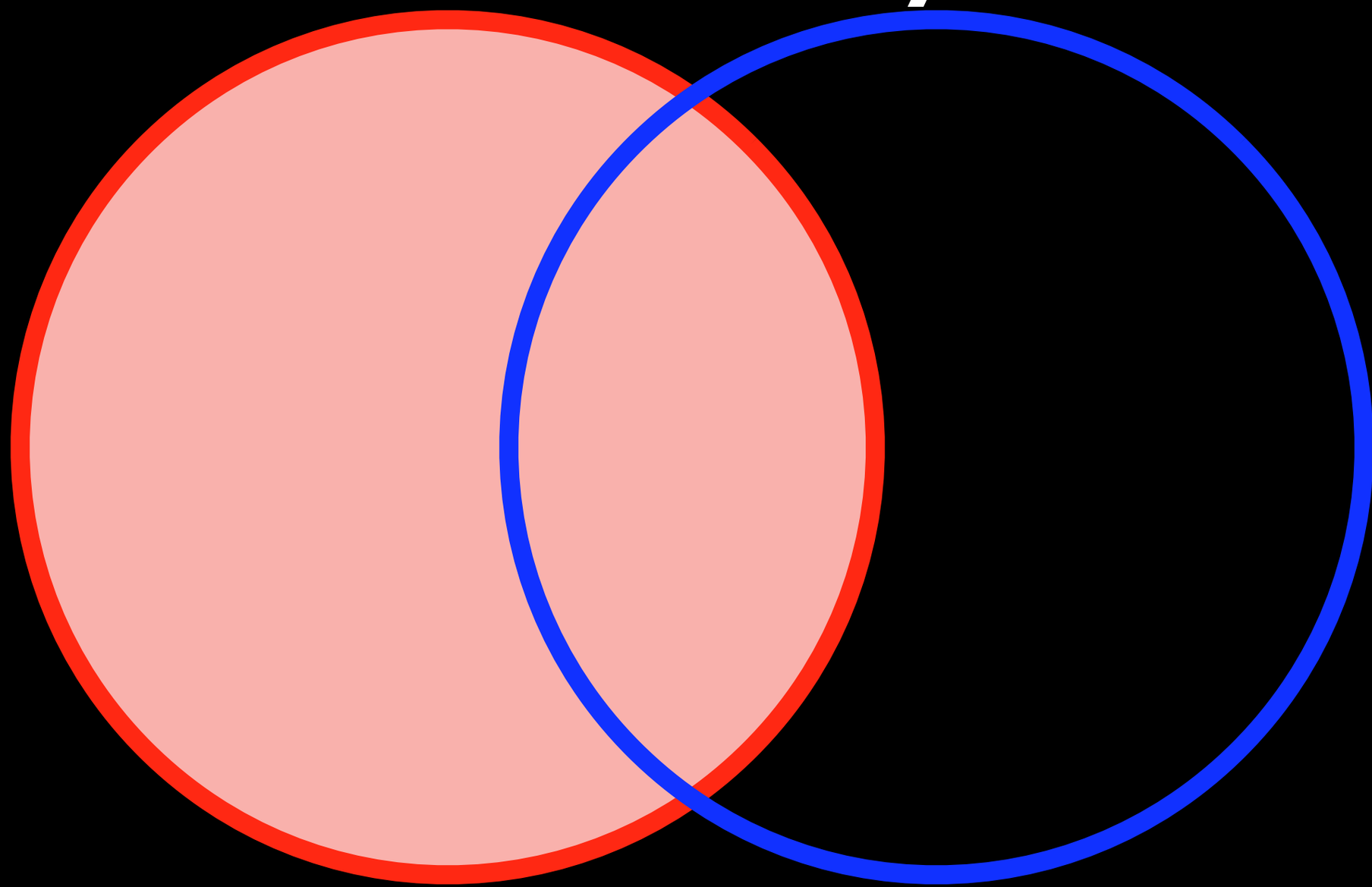
public-domain preexisting work



preexisting work

derivative work

§103(a): "has been used unlawfully"



underlying work

derivative work

Prince 1992

Pickett 1993

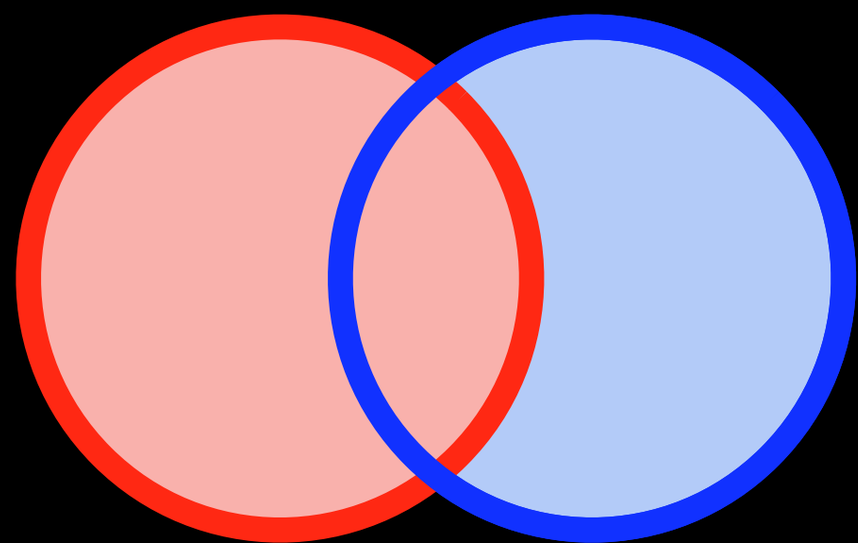
Prince 2007

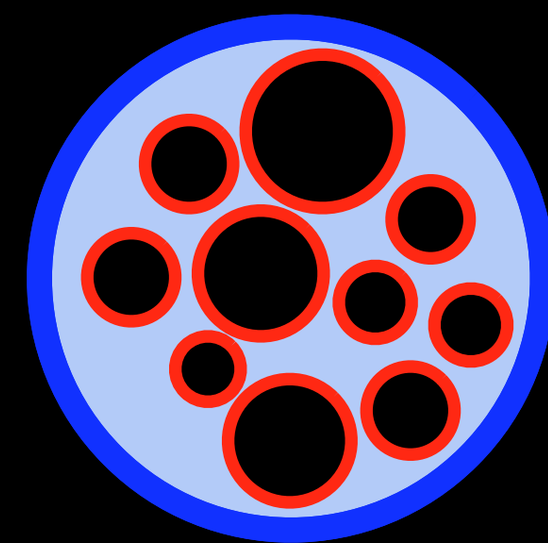
few

many

derivative work

compilation





Feist and database compilations

Original?

MANHATTAN-RESIDENCE

HAWKINS—HAYMAN 357

Feist as summary

- § 102(a): "original works of authorship"
- § 102(b): no copyright for a "discovery"
- § 103(b): compilation "does not expand"
- § 101: "selected, coordinated, or arranged"

Compilation originality

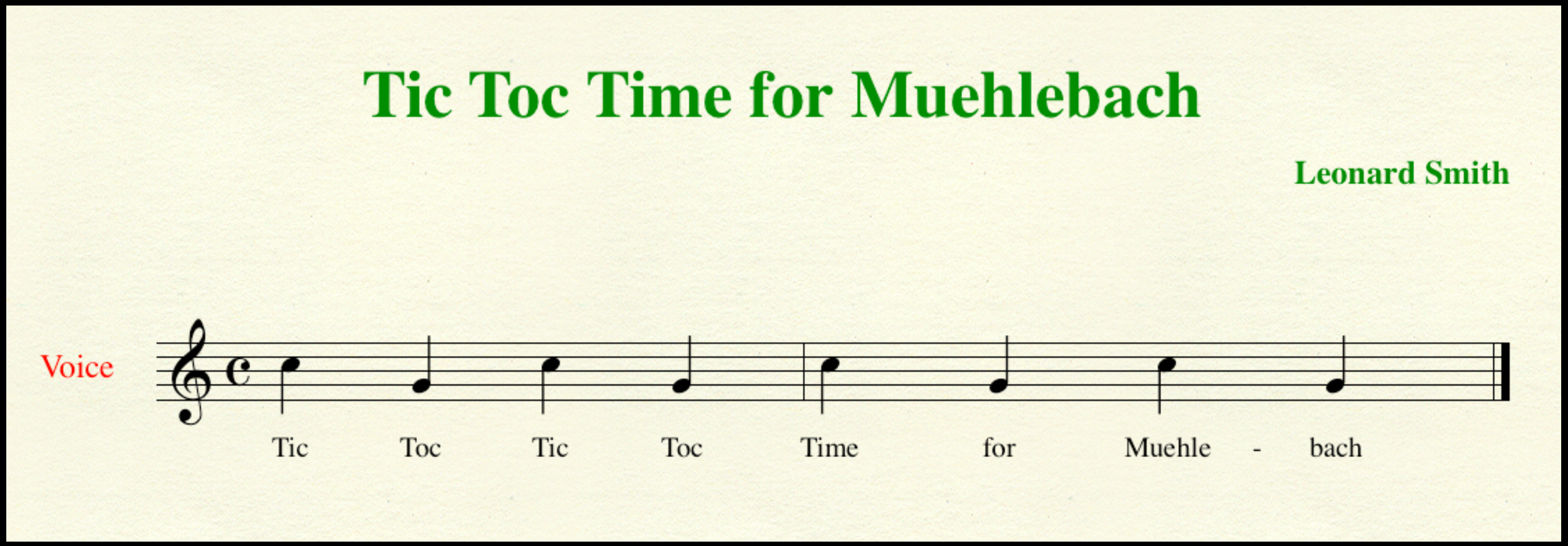
- What's selection?
  - Did Rural select?
- What's coordination?
  - Did Rural coordinate?
- What's arrangement?
  - Did Rural arrange?

Copyright in databases

- Distinguish:
  - Literal copying
  - Reproducing the structure
  - Extracting the items

Compilations

Muehlebach



What are the preexisting “materials” here?

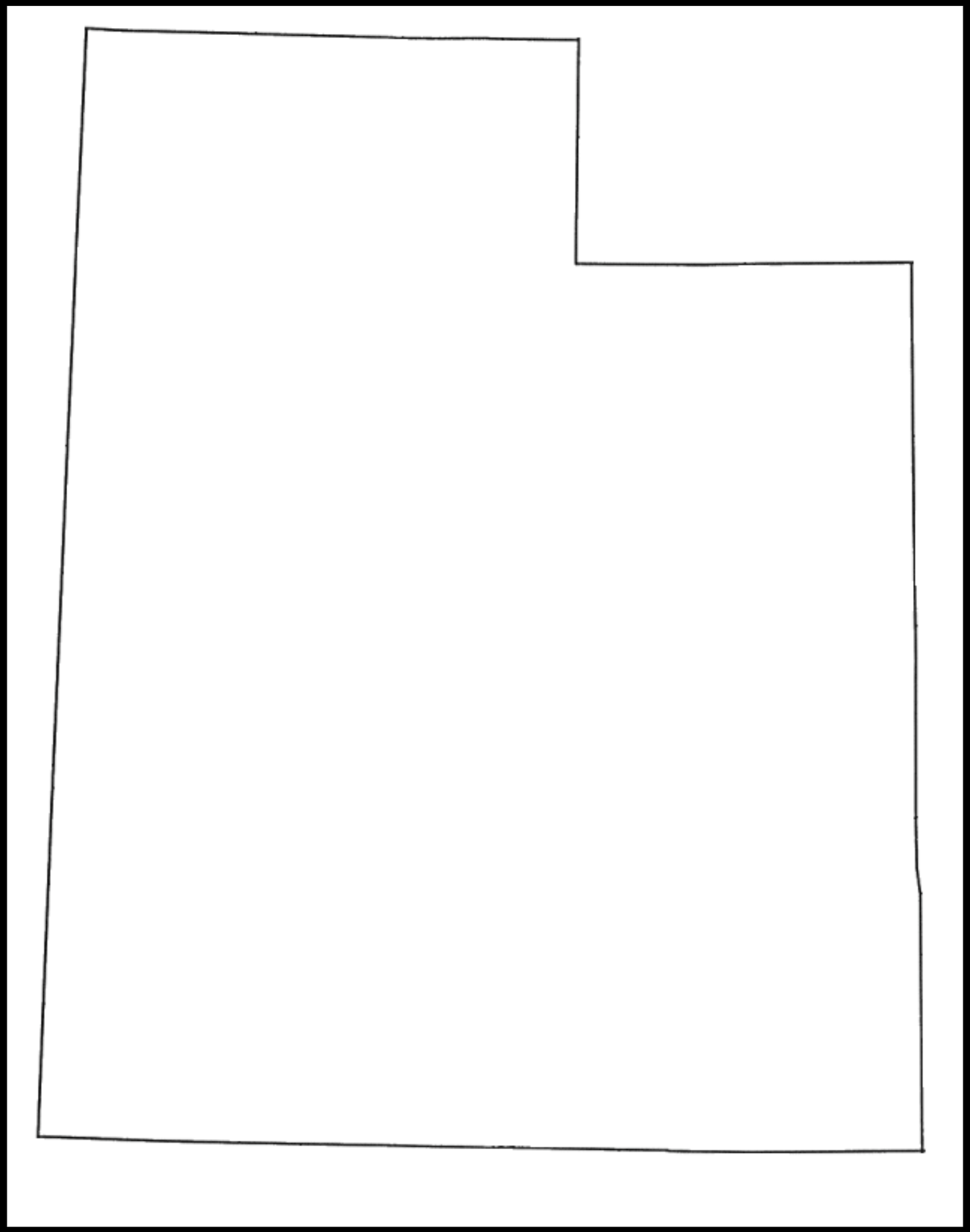
I CAN HAS
CHEEZBURGER?

I CAN HAS
CHEEZBURGER?
ICANHASCHEEZBURGER.COM

Case Study: Maps

CARTA MARINA ET DESCRIPTIO SEPTEMTRIONALIUM TERRARUM AC MIRABILIUM RERUM IN EIS CONTENTARUM DILIGENTISSIME ELABORATA ANNO DNI 1539

Copyrightable?



NYPD precincts

Copyrightable?

Assume plaintiff added only the material in red