



COPYRIGHT and CULTURE

FALL 2008

CINE110/ENGL105.401, TR 1:30-3pm, 401 Fisher-Bennett Hall
(fulfills Humanities and Social Science sector)
University of Pennsylvania

Prof. Peter Decherney

decherney@sas.upenn.edu, 215-746-3156

211 Fisher-Bennett Hall, office hours Tu/Th 3-4pm and by appointment

Graders: Jeehyun Lim (jlim2@english.upenn.edu)

Andy Gaedkte (agaedtk@sas.upenn.edu)

Assignments: five-page paper (20%); annotated bibliography (40%); ten-page paper (40%). See course website (decherney.org/cc) site for detailed assignments.

Texts: All course texts are available through course website: decherney.org/cc

INTRO

- Sept 4) What's at stake in Copyright Debates?
 Paul Goldstein, "The Metaphysics of Copyright"
 Richard Stallman, "The Right to Read"
 William Gibson, "God's Little Toys"
- Sept 9) From Shakespeare to the Constitution
 Lawrence Lessig, *Free Culture*, ch. 6
 Ochoa et al., "Historians' Brief," *Eldred v. Ashcroft*

THE BIRTH OF NEW MEDIA

- Sept 11) Photography and Popular Culture
 Burrow-Giles v. Sarony (1884) [Oscar Wilde]
 Fuller v. Bemis (1892) [dance]
 Bleistein v. Donaldson Lithographing (1903) [advertisements]
- Sept 16) What is Cinema?
 Edison v. Lubin (1903) [2 cases] [film duping]
 Kalem v. Harper Bros. (1911) [*Ben Hur*]
 Siva Vaidyanathan, *Copyrights and Copywrongs*, 81-105.
- Sept 18) NO CLASS
- Sept 23) Recorded Music: From the Player Piano to iTunes
 White-Smith Publishing v. Apollo (1908) [piano rolls]
 Simon Frith, "Music and the Media"
- Sept 25) Software and Video Games
 Apple v. Microsoft (1994) [graphical user interface]
 Richard Stallman, "Free Software Definition"
 Eric Raymond, "The Cathedral and the Bazaar"
- Sept 30) NO CLASS – Rosh Hashana

FAIR USE

- October 2) Transformativeness
 Stanford University Libraries, "Copyright and Fair Use" [browse]
 Folsom v. Marsh (1841)
 Kelley v. Arriba Soft (2003) [thumbnails]
 Bill Graham Archives v. Dorling Kindersly (2005)
- October 7) Technologies of Consumption I: The VCR
 Sony v. Universal (1984) [Betamax]
 James Lardner, from *Fast Forward*

October 9) NO CLASS – Yom Kippur

October 14) NO CLASS – Fall Break

October 16) Technologies of Consumption II: P2P and Digital Networks
 Goldsmith and Wu, from *Who Controls the Internet?*
 Lawrence Lessig, *Free Culture*, ch. 5

AUTHORSHIP

October 21) Moral Rights and Creative Labor
 Stuart Klawans, “Colorization: Rose-Tinted Spectacles”
 Huntsman v. Soderbergh (2006) [CleanFlicks]
 Family Entertainment and Copyright Act of 2005
 Andrew Ross, “Technology and Below the Line Labor”

PAPER 1 DUE in class *and* emailed to decherney@sas.upenn.edu

October 23) Socialist Copyright
 from William Alford, *To Steel a Book is an Elegant Offense*

Saturday, October 25) Penn Film and Media Pioneers

October 28) “Limited Times,” the Public Domain, and Orphan Works
 Lessig, *Free Culture*, chs. 13-14
 Second ½ of class: PennTags Training

October 30) Rock, Rap, and Remixing
 Vaidhyanathan, *Copyrights and Copywrongs*, ch. 4
 Bridgeport Music v. Dimension Films (2004) – part II only

DUE: proposals for bibliographies and papers/projects
 – email to decherney@sas.upenn.edu

November 4) Parody and Satire
 Campbell v. Acuff-Rose Music, Inc. (1994) [2 Live Crew]
 Keller and Tushnet, “Even More Parodic than the Real Thing?”

November 6) Who Owns Reality? Documentaries and the News
 Aufderheide and Jaszi, “Untold Stories”
 “Statement of Best Practices for Documentary Filmmakers”
 Hoehling v. Universal City Studios, Inc (1980) [Hindenburg film]

November 11) Fans, Collectors, Scholars
 Henry Jenkins, from *Convergence Culture*
 D.T. Max, “The Injustice Collector”
 Statement of Best Practices for On-Line Video
<http://machinima.org> [browse]

COPYRIGHT in the DIGITAL AGE

November 13) The Digital Millennium Copyright Act I: Anticircumvention
Electronic Frontier Foundation, "DMCA Unintended Consequences"

November 18) From Fair Use to Exemptions
Sender & Decherney, "Defending Fair Use in the Age of the DMCA"
Decherney, Sender, Delli Carpini, 2006 DMCA Rulemaking documents

November 20) No Class

November 25) The Digital Millennium Copyright Act II: Notice/Take Down
Fred von Lohmann, "Fair Use, Film, and the Advantages of Internet Distribution"
Viacom v. YouTube
chillingeffects.org [browse]

DUE: BIBLIOGRAPHIES – email decherney@sas.upenn.edu

November 27) No Class - Thanksgiving

December 2) Creative Commons and Open Access
Guest Speaker, Michael Carrol, Villanova and American University Law Schools
creativecommons.org [browse]

December 4) Conclusions, New Directions, Student Projects

DUE : FINAL PAPERS in class and emailed to decherney@sas.upenn.edu