

COPYRIGHT LAW

SPRING 2026 — LAW 5431 — AB 306

Professor: James Hicks

AB 553

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TA: Tommie Taylor

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This course will provide a broad survey of copyright law—the branch of intellectual property that provides incentives for creativity and artistic expression. We will cover the requirements to obtain copyright protection for a work of authorship and the scope of that protection. Copyright is a particularly dynamic area of law, and we will discuss the policy concerns that justify and continue to shape it.

There are no prerequisites for this class. Students who have taken Survey of Intellectual Property will find some overlap in the basics, but we will dive considerably deeper into copyright doctrine and policy.

COURSE MATERIALS

The casebook is JEANNE C. FROMER & CHRISTOPHER JON SPRIGMAN, *COPYRIGHT LAW: CASES AND MATERIALS* v7.0 (2025).

The casebook is [free to download](#).¹ If you prefer a printed copy, you can [buy it online](#) at low cost. From time to time, I may supplement the textbook with other materials, which I will make available on Canvas.

EXAM

The primary assessment for this class is a final exam. The exam is a four-hour, in-class exam, which will comprise a mix of multiple choice, short answer, and essay-style questions. The exam will be “closed software, open book.” In other words, you will be allowed to bring in any materials you want, but only in printed form. Later in the semester, I will discuss the exam at greater length and distribute sample questions.

¹ The casebook is offered under the terms of a [Creative Commons Attribution-NonCommercial-NoDerivatives license](#), which should make more sense by the end of the class.

PARTICIPATION & ATTENDANCE

Per ABA policy, attendance is required in this class. You are responsible for tracking your attendance, and you don't need to tell me in advance about individual absences. However, if you exceed five absences, you should expect to hear from me; excessive absences without good cause are grounds for lowering your final grade.²

The class depends on your participation. I'll use a mix of cold-calls, volunteers, and the occasional lecture. I randomize who I call on each day. If I call on you and you don't know the answer or you're not prepared, tell me as much and I'll move on. (But if you pass, expect to be called on again soon.)

While the exam is responsible for the bulk of your grade, particularly good performance in class discussion can raise your grade and particularly poor performance (including disruptiveness and unprofessionalism) can lower it. In evaluating your classroom performance, being engaged and working hard to think through the issues is *far* more important than making brilliant insights. You will all be wrong in class at some point or another—embrace it! I care only that you are prepared for class and that you are taking our work together seriously.

OFFICE HOURS

I will be available for office hours every **Tuesday from 2–4pm, [by appointment](#)**.³ If that window doesn't work for you, just send me an email and we'll find a mutually agreeable time.

You're also welcome to send me questions via email. If I feel that questions I receive via email or during office hours are generally applicable or might reflect common points of confusion, I will share my answer with the rest of the class either in person or via email. I will anonymize any questions.

CLASS RECORDINGS

To facilitate open discussion, I will not record class except when required to by the university to address an accommodation. When I am required to record, access will be restricted, downloading will be disabled, and the recordings only will be available for a short period of time. You may not distribute or share any recordings to which you have access, nor may you make your own classroom recordings.

² If something comes up that impedes your ability to attend multiple classes, please come and talk to me so we can figure out a solution.

³ You can also stop by during those times without an appointment, but if no one has made an appointment, I can't promise I'll be in my office.

TA SESSIONS

We are fortunate to have an excellent teaching assistant helping with this class. Tommie is available to serve as a resource, and will offer weekly review sessions at a time to be determined.

GENERATIVE AI POLICY

You may not use ChatGPT, Gemini, Claude, or any other form of generative AI software for your work in this course. This includes—obviously—the final exam, but also our in-class discussions. These tools are increasingly prevalent in life and practice, and can be quite useful, **but your goal in class is to learn how to read and think about the case law for yourself.**

LEARNING OUTCOMES

At the end of this course, students will have learned:

1. the substantive requirements for acquiring and enforcing valid copyrights,
2. the procedural requirements for acquiring and enforcing valid copyrights,
3. the policy concerns that weigh in favor of stronger and weaker copyrights,
4. and the statutory basis of copyright law.

ACCOMMODATIONS

Washington University is committed to facilitating equal access for students with disabilities and to cultivating a campus culture that is sensitive and responsive to the needs of students. For formal accommodations, your starting point should be the Office of Student Life.

You should also reach out to me and/or the Office of Student Life sooner rather than later if you are experiencing any on-going health or other concerns that interfere with your learning. We will do our best to develop a plan to enable you to succeed in the course.

REQUIRED DISCLOSURES

ABA Standard 310 requires at least 42.5 hours of in-class and out-of-class work for each credit hour awarded. This three-credit course is designed to meet this requirement, and

consequently each student is expected to spend, on average, no less than 10.5 hours per week (in a combination of in-class time and out-of-class student work).⁴

SCHEDULE & READING ASSIGNMENTS

Depending on the pace with which we proceed or events in the (legal) world, I may edit the readings or schedule slightly. I will always give plenty of notice, and at the end of each session I will confirm which material you should read for the following class.

January 12	Introduction	1–18
What Counts?		
January 13	Subject Matter; Fixation; Originality (1) <i>Artic; Cartoon Network; Sarony; Bleistein; Alfred Bell</i>	75–77; 19–35
January 19	MLK Day — no class	
January 20	Originality (2) <i>Feist; Meshwerks; Mannion</i>	35–44; Canvas
January 26	Snow day — no class	
January 27	Derivative Works and Compilations <i>L. Batlin; Schrock; Feist</i>	44–58
February 2	The Idea-Expression Dichotomy <i>Baker v. Selden; ATC Distribution; A.A. Hoehling</i>	59–75
February 3	Government Works; Useful Articles <i>Mazer v. Stein; Star Athletica; Silvertop Associates</i>	77–100
February 6 (make up)	Computer Software <i>Altai; Borland</i>	100–128

Authorship and Ownership

February 9	Authorship <i>Lindsay; Garcia; Kelley; Thaler</i>	135–151
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⁴ This is, of course, a bit silly. Each of you works at your own pace, and I have no interest in monitoring how long your out-of-classroom preparation takes you. That said, these guidelines are probably roughly sensible, and if you're spending significantly less time than this on reading and preparing for class, there's a decent chance that you're not doing a thorough job.

February 10	Joint Authors, Works for Hire <i>Erickson; Aalmuhammed; CCNV; Avtec</i>	151–170
February 16	Formalities, Duration, and Terminations <i>Eldred; Abend</i>	171–173; 178–185 (<i>skim</i>); 185–201; 209–219

Exclusive Rights

February 17	The Reproduction Right — Copying-in-Fact <i>Three Boys; Selle; Ty; Gayle</i>	221–238
February 23	The Reproduction Right — Copying-in-Law <i>Nichols; Arnstein; Banian; Cavalier; Rentmeester; Sedlik</i> concurrence	239–247; 254–257; 261–279; Canvas
February 24	Class canceled	
March 2	The Derivative Works Right <i>RDR Books; The A.R.T. cases; Warner Bros; Daniels</i>	298–316; 319–327
March 3	The Distribution Right <i>Bobbs-Merrill; ReDigi; Kirtsaeng</i>	279–298
March 9	Spring Break — no class	
March 10	Spring Break — no class	
March 16	The Rights of Public Performance and Display <i>Redd Horne; Cartoon Network; Aereo; Perfect 10</i>	349–374
March 17	Moral Rights <i>Gilliam; Dastar; Castillo</i>	327–349
March 18 (<i>make up</i>)	The Special Case of the Music Industry <i>Ciccone</i>	374–383 (<i>skim</i>); 384–398

Fair Use

March 23	Fair Use (classic transformative use) <i>Campbell; Bill Graham Archives</i>	399–400; 420–436; 452–463
March 24	Fair Use (modern transformative use) <i>Warhol; CUP</i>	493–527

March 30	Fair Use (new technological uses) <i>Sony; Authors Guild; Google v. Oracle</i>	408–419; 463–493
March 31	Fair Use & AI <i>Bartz; Kadrey; Ross</i>	Canvas

Liability and Remedies

April 6	Direct and Secondary Liability <i>Netcom; Cartoon Network; Cherry Auction; Perfect 10</i>	529–552
April 7	Online Service Providers and the DMCA <i>Viacom; Mavrix; Lenz</i>	552–577
April 13	Platforms and Device Manufacturers <i>Sony; Grokster; Cox</i>	577–581; 585–598; Canvas
April 14	Remedies <i>Phelps; On Davis v. Gap; Frank Music; Bouchat</i>	604–629
April 15 (make up)	Review session	