

Professor Ira Steven Nathenson
St. Thomas University School of Law
Copyright Law Skills (Law 965B)

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Homepage: <http://www.nathenson.org/>
Course website: <http://nathenson.org/courses/copyright/>
Class time Sect. 1: Mon. & Wed. 4:00PM–5:15PM, room TBA
Office hours: Mon. & Wed. 5:30–7:30PM, Tues. 4:30–6:30PM, and by appointment.

ABOUT COPYRIGHT LAW SKILLS

Copyright law stands at the forefront of law in the digital era, protecting and sometimes frustrating the creation and distribution of modern culture. By providing exclusive—but limited—rights to “original works of authorship,” copyright protects not just traditional media such as books, songs, and movies, but also electronic works found in YouTube videos, streaming media, and computer code. Because copyright issues are so prevalent in modern society, a modern lawyer should have a solid grounding in copyright law. This course covers major topics in domestic copyright law, such as originality, authorship, ownership, duration, the exclusive rights, infringement, fair use, and enforcement. It also pays close attention to the interplay of technology and law. Finally, the course extends beyond book learning by using realistic exercises that tie lawyering skills to the readings. Examples may include preparing copyright registrations, assignments, takedown notices, and infringement opinions.

REQUIRED BOOKS

1. **COURSE WEBSITE:** Site at <http://nathenson.org/courses/copyright/>. This website is your source for assignments, project information, and other materials. Details on the course website are provided below.
2. **CASEBOOK:** CRAIG JOYCE ET AL., *COPYRIGHT LAW*, NINTH EDITION (2013 LEXISNEXIS). This book is currently available from the bookstore or online.
3. **CASEBOOK SUPPLEMENT:** CRAIG JOYCE ET AL., *COPYRIGHT LAW*, NINTH EDITION, 2015 CUMULATIVE SUPPLEMENT (2015 LEXISNEXIS). This book has statutes, treaties, and updates to the casebook. The supplement is about to be published and will hit the shelves shortly. I will send you updated information once it becomes available.

COURSE WEBSITE; ASSIGNMENTS

Assignments and course-related materials will be posted to the course website at <http://www.nathenson.org/courses/copyright>. In addition, selected course-related announcements and materials may be sent to your official St. Thomas Law email account.

GRADING

As a skills course, your grade will be based on experiential projects (75% of grade) and class participation (25%). For class participation, your score will look at a number of factors, including: regularity and quality of preparation and discussion; contributions as a discussion leader; and regular and timely class attendance. There is no curve and there is no final examination.

LEARNING METHODOLOGY

Skills+. This is a skills course, but the real goal is to treat it as much more than a skills course. It is intended to be one that integrates your learning—and I mean *learning* and not teaching—of copyright *doctrine*, copyright *theory*, copyright *practice skills*, as well as *professional values* in the copyright context. I am a strong believer in the integrated approach, one that uses skills to teach law and doctrine, and that uses professional values to tie them all together. So instead of learning doctrine in one class, ethics in another class, and skills in yet another class, I want to use them all, together, to better learn *copyright* **and** to become a better *lawyer*.

Harkness method of discussion. Our classes will focus on learning-centered discussion and experiences using the *Harkness* method, an approach that places students at the forefront of learning as discussion leaders, and which will help to foster the knowledge and skills underlying copyright law and copyright practice. As a practical matter, this means that learning will often be directed by you, and I will speak up only as needed. On other occasions when a more traditional approach might be required, I will lead discussion. For more on the *Harkness* method, [see here](#).

LEARNING OUTCOMES, METHODOLOGIES, AND ASSESSMENT

Outcomes & Methodologies

Learning outcomes refers to skills, concepts, and other matters I want you to learn in our course. *Learning methodologies* are the techniques we will use to learn these matters. *Assessment* refers to the ways you will receive *feedback* to help you determine your level of success and to course-correct for improvement. As a skills course with multiple projects, assessment is primarily *formative*, i.e., feedback that occurs while the topic is still being studied. This contrasts heavily with traditional doctrinal courses where assessment is primarily *summative*, i.e., feedback that occurs at the end of a course.

Learning Outcomes (the goal)	Learning Methodologies (the means)
<p><i>Copyright law and theory:</i> Examples include authorship, originality, ownership, registration, assignment and licensing, infringement, fair use and other defenses, and issues arising under digital copyright. See assignments for more examples.</p>	<p>Reading, briefing, marking up, and discussing copyright cases and statutes, and using the <i>Harkness</i> method of group discussion. Copyright doctrine will also be learned through practice-oriented skills projects such as drafting registration certificates, cease-and-desist letters, and more.</p>
<p><i>Integrating law and theory with practice skills and professional values:</i> Developing basic practitioner proficiency in tasks common to copyright lawyers and tying professional values into copyright practice.</p>	<p>The copyright skills projects are designed to integrate the teaching of the four components of lawyering: doctrine, theory, practice skills and professional values. For information on the <i>MacCrate Report's</i> recommendation for integrated teaching of these components, see here.</p>

CLASSROOM POLICIES

Class attendance. “Regular class attendance” means, among other things, that you are in your seat and ready to start work on time. I cannot emphasize enough how important it is for you to be in your seat and ready to start on time. Because we will be doing practice-oriented projects, class will often begin with important announcements and project guidance. If you are late, you will miss out on that information. Tardiness will also impact your class participation score. Along similar lines, do not exit the classroom without extremely good cause. If you leave class early without permission, you may be counted absent and may be denied reentry.

Computers, tablets, and phones. For the past several years, laptops and electronic devices have been barred from use in my classes. However, this semester, as an experiment, such devices will be permitted for class-related purposes. The reason devices will be permitted is because I want to incorporate online resources into our class discussions. However:

- *Class purposes only.* Your use of electronic devices should be limited to class purposes only. Do not allow yourself to be distracted by eBay, email, Instagram, Facebook, or other shiny diversions: I teach from a tablet that I use as an electronic whiteboard, I walk around the entire classroom constantly, and I will call you out for misusing technology.
- *Quiet zone.* Mute devices so that they do not make any sound. Focus on class discussion.
- *Note taking.* I would strongly encourage you to take notes by hand even if you use a laptop because handwriting slows you down and forces you to develop your critical listening skills.
- *No recording.* Although electronics are permitted, recording of the class by audio or video is prohibited unless approved in advance in writing by me, and will be permitted only for exceptional reasons or required accommodations.

Last updated Aug. 10, 2015