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CopyrightX: Harvard University Law School

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CopyrightX

Harvard University Law School

Call for Applications

- The first session was offered in 2013.
- A colleague in IAMSLIC recommended that librarians take the class.
- I applied in fall 2013 and was accepted into the second iteration of the class, for the spring 2014 session.
- The application consisted of a personal information form, a pre-test, and an essay.
- Five hundred students were accepted for the online class and placed in twenty-one sections.

Section B14

- Twenty-five students in my section.
- Class consisted of:
  - One real-time session per week over twelve weeks with a graduate teaching assistant.
  - Three to seven online lectures per week given by Professor William Fisher.
  - Readings.
  - Preparation to discuss special problems.
  - Discussion forum participation.
  - Special events: interviews and a panel discussion.
  - Took between ten and twenty hours per week.

Fellow Students

A former chemist
A teacher
A disc jockey/artist
A homemaker
A car designer
A couple of lawyers
A couple of librarians
Et al.

Several people dropped out of my section over the course of the semester.

Ten of us completed the course successfully.

Course Outline

1. The Foundations of Copyright Law: Treaties; Originality; and the Idea/Expression Distinction
2. Fairness and Personality Theories
3. The Subject Matter of Copyright
4. Welfare Theory
5. Authorship
6. The Mechanics of Copyright
7. The Rights to Reproduce and Modify
8. The Rights to Distribute, Perform, and Display
9. Fair Use
10. Cultural Theory
11. Secondary Liability and Para-Copyright
12. Remedies

Emphasis

- There was an emphasis on United States copyright law, but there was substantial discussion of international treaties and conventions.
- There was an emphasis on the idea/ expression distinction, music, and art, and a de-emphasis on textual materials.
- Practice was emphasized somewhat over theory, though theory was often discussed in the context of examples.

Discussion Forum

- Several threads were open in a discussion forum where students from all sections and all teaching assistants could interact.
- Participation was mandatory.
- The boards were very active and a good way to interact with fellow students.

The Lectures

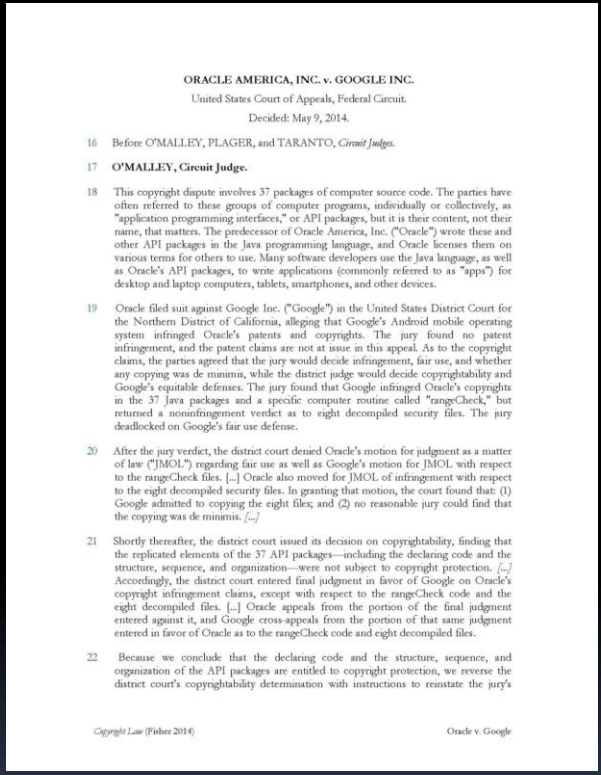
http://copyx.org/lectures/

Notes

- I took copious notes from the lectures and less detailed ones during the class times.
- I filled a 2”three-ring binder with notes which I referred to during class time as well as during the open-book final.

The Readings

http://copyx.org/essential-us-materials/



ORACLE AMERICA, INC. v. GOOGLE INC.

United States Court of Appeals, Federal Circuit.

Decided: May 9, 2014.

Before O'MALLEY, PLAGER, and TARANTO, *Circuit Judges.*

O'MALLEY, Circuit Judge.

This copyright dispute involves 37 packages of computer source code. The parties have often referred to these groups of computer programs, individually or collectively, as "application programming interfaces," or API packages, but it is their content, not their name, that matters. The predecessor of Oracle America, Inc. ("Oracle") wrote these and other API packages in the Java programming language, and Oracle licenses them on various terms for others to use. Many software developers use the Java language, as well as Oracle's API packages, to write applications (commonly referred to as "apps") for desktop and laptop computers, tablets, smartphones, and other devices.

Oracle filed suit against Google Inc. ("Google") in the United States District Court for the Northern District of California, alleging that Google's Android mobile operating system infringed Oracle's patents and copyrights. The jury found no patent infringement, and the patent claims are not at issue in this appeal. As to the copyright claims, the parties agreed that the jury would decide infringement, fair use, and whether any copying was de minimis, while the district judge would decide copyrightability and Google's equitable defenses. The jury found that Google infringed Oracle's copyrights in the 37 Java packages and a specific computer routine called "rangeCheck," but returned a noninfringement verdict as to eight decompiled security files. The jury deadlocked on Google's fair use defense.

After the jury verdict, the district court denied Oracle's motion for judgment as a matter of law ("JMOL") regarding fair use as well as Google's motion for JMOL with respect to the rangeCheck files. [...] Oracle also moved for JMOL of infringement with respect to the eight decompiled security files. In granting that motion, the court found that: (1) Google admitted to copying the eight files; and (2) no reasonable jury could find that the copying was de minimis. *[...]*

Shortly thereafter, the district court issued its decision on copyrightability, finding that the replicated elements of the 37 API packages—including the declaring code and the structure, sequence, and organization—were not subject to copyright protection. *[...]* Accordingly, the district court entered final judgment in favor of Google on Oracle's copyright infringement claims, except with respect to the rangeCheck code and the eight decompiled files. [...] Oracle appeals from the portion of the final judgment entered against it, and Google cross-appeals from the portion of that same judgment entered in favor of Oracle as to the rangeCheck code and eight decompiled files.

Because we conclude that the declaring code and the structure, sequence, and organization of the API packages are entitled to copyright protection, we reverse the district court's copyrightability determination with instructions to reinstate the jury's

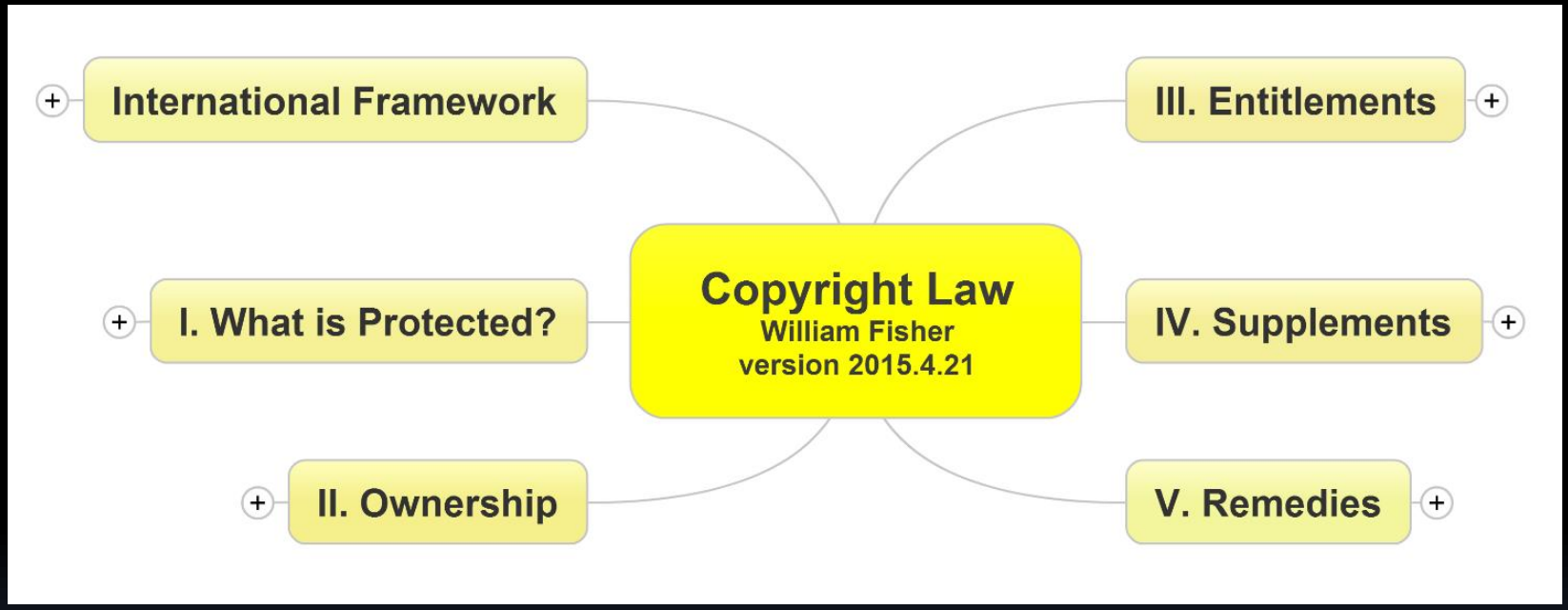
I printed out all of the readings.
These filled a 3”three-ring binder.

United States Copyright Code

- Copyright Law of the United States of America and Related Laws Contained in Title 17 of the United States Code, Circular 92

- http://www.copyright.gov/title17/

The Mind Map


International Framework
I. What is Protected?
II. Ownership
Copyright Law
William Fisher
version 2015.4.21
III. Entitlements
IV. Supplements
V. Remedies

Class Time

- Adobe Connect, real-time, once per week.
- About one and a half hours each.
- Sessions were taught by Jennifer Garnett, a Harvard Law graduate teaching assistant.
- Mandatory attendance, mandatory participation.
- Topics were often only indirectly related to the weeks lectures.

Special Events

- Three guest interviews: Joshua Redman, Ruth Okediji, Justin Hughes.
- Panel session: Chris Bavitz, Felix Oberholzer-Gee, Jeffrey Schnapp, and Stuart Shieber.

The Final

- CopyrightX, Instructions for the Final Examination, spring 2014
- CopyrightX, Final Examination, spring 2014
- Three essay questions, four days to complete.
- I wrote about joint authorship, the cultural theory, and appropriation art in my final exam.

Success!

- I passed the course, along with nine others from my section.
- List of 2014 graduates.

The Takeaway

- A great value; no tuition and very little expended for equipment and supplies.
- Rigorous; time-consuming.
- Broadly applicable.
- Biased approach; often not objective.

For More Information

- About CopyrightX
- About Professor William Fisher
- CopyrightX Lectures
- CopyrightX 2016 Syllabus
- CopyrightX Self-Paced Study
- Lessons from CopyrightX by William Fisher