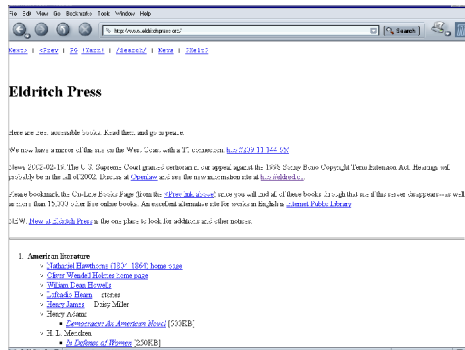


↑

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Rent seeking

PRESENT VALUE OF ADDITIONAL COMPENSATION

For an individual author:

Interest Rate	Compensation, Year 1 (\$)	Additional Compensation, Years 2-20	Percent Increase
5%	\$19.66	\$0.23	1.28%
7%	\$14.22	\$0.02	0.33%
10%	\$10.00	\$0.00	0.04%

For a work for hire:

Interest Rate	Compensation, Year 1 (\$)	Additional Compensation, Years 2-20	Percent Increase
5%	\$19.48	\$0.32	1.65%
7%	\$14.20	\$0.07	0.47%
10%	\$9.99	\$0.01	0.07%

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Mazer v. Stein

physical separability

§ 102(a): Works of authorship include the following categories.

- (1) literary works;
- (2) musical works;
- (3) dramatic works, . . . ;
- (4) pantomimes and choreographic works;
- **(5) pictorial, graphic, and sculptural works;**
- (6) motion pictures and other audiovisual works;
- (7) sound recordings; and
- (8) architectural works.

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§ 101. "Pictorial, graphic, and sculptural works"

include two-dimensional and three-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, diagrams, models, and technical drawings, including architectural plans. Such works shall include works of artistic craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned; the design of a useful article, as defined in this section, shall be considered a pictorial, graphic, or sculptural work only if, and only to the extent that, such design incorporates pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article.

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§ 101. A "useful article" is an article having an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. An article that is normally a part of a useful article is considered a "useful article".

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Applied Art ←→ Industrial Design



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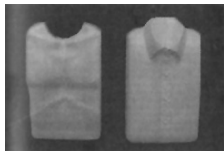
Kieselstein-Cord v. Accessories by Pearl, Inc.

conceptual
separability



14

Carol Barnhart Inc. v. Economy Cover Corp.



15

Brandir Int'l v. Cascade Pacific



no
conceptual
separability



From photos by gordasm, voxipsa, on flickr

Aesthetic Functionality



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What about conceptual art?



- Marcel Duchamp's "Fountain"

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