

Characters and Databases

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A bit of review

- Copyright protects original works of authorship fixed in tangible media of expression
- Copyright does not protect any idea, procedure, process, system, method of operation, concept, principle, or discovery, including facts

2

So...

- In what circumstances will copyright protect
 - Characters?
 - Databases?

3

§ 102. Subject matter of copyright: In general

- (a) Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories:
- (1) literary works;
 - (2) musical works, including any accompanying words;
 - (3) dramatic works, including any accompanying music;
 - (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.
- (b) In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

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MGM v. Honda

- James Bond (because a picture is worth 1000 words)
 - James Bond trailers: <http://youtube.com/watch?v=z8cM8t0PbuA>
 - Honda del Sol commercial: <http://www.youtube.com/watch?v=gqa-b3assC>.
 - What about Austin Powers?

5

Titan Sports v. Turner Broadcasting Systems

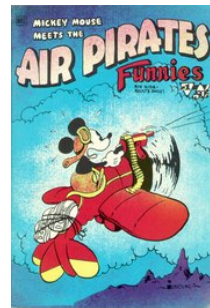
- How did WWF claim ownership of its wrestlers' characters?
 - Razor Ramon on WWF
<http://youtube.com/watch?v=53bRPU9-gTk>
 - Diesel on WWF
<http://youtube.com/watch?v=0TW5fJmKCPA>
 - Scott Hall and Kevin Nash on WCW
<http://youtube.com/watch?v=fMeIDx-V4L8>

6

Sam Spade and Dashiell Hammett

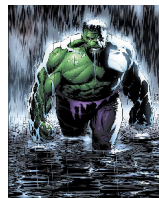


7



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Marvel v. NCSoft



v.



10



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Bellsouth Advertising & Publishing v. Donnelley Information Publishing

- Yellow pages competitor began research by copying listings from BAPCO
- Is BAPCO's work copyrightable?
- Has Donnelly copied copyrightable expression?



12

CCC Information Services v. Maclean Hunter Market Reports

- What's the copyrightable expression in a book of auto price predictions?
- Is "exercise of professional judgment" different from historical research?



CDN Inc. v. Kapes

- Are prices copyrightable?



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Matthew Bender & Co. v. West Publishing Co.

- Are page numbers?



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