

Copyright Literary/Artistic
Professor Lape

Tuesday, May 11, 1993
9:00 a.m.
Three (3) hours

SPECIAL INSTRUCTIONS

Answer all questions. Explain your conclusions and discuss fully the arguments on each side of every issue.

You may bring to this examination your casebook, statutory supplement, handouts, class notes, outline, and any other written or printed material.

Suggested time allocations for each of the questions are as follows:

Question 1:	50 minutes
Question 2:	50 minutes
Question 3:	50 minutes
Question 4:	30 minutes
	<u>180</u> minutes

EXAMINATION CONTINUES

Law School hired Architectural Firm to design a new law school building in 1989. Law School and Architectural Firm signed a writing which stated that the new building would be a "work made for hire." Architectural Firm produced the plans for the new building (hereafter the building) in 1989 and met frequently during that year with Law School faculty who made many suggestions and recommendations concerning the size and arrangement of classrooms and faculty offices. In 1991 Law School built the building based on the plans delivered to Law School by Architectural Firm. The building is located on the campus, which is open to the public. The building is shaped like a giant letter "H".

In 1993 Kampus Shoppe, a T-shirt and memorabilia store unaffiliated with Law School, made and began marketing a key ring composed of a miniature three-dimensional plastic representation of the building on a metal ring.

Can Law School prevent Kampus Shoppe from marketing the key ring?

II

Zodiak Design Corp. (hereafter Zodiak) designed the bookends, constructed of metal sheets and wire, depicted in illustration #1 below, which were widely marketed beginning in January of 1992, bearing appropriate copyright notice. In February of 1992 Zodiak registered a claim of copyright in the bookends.

In 1993 Delta Corp. (hereafter Delta) designed and marketed the bookends, constructed of metal sheets and wire, depicted in illustration #2 below.

Zodiak has brought suit against Delta for copyright infringement seeking an injunction and damages. What are Zodiak's chances of success? Will Zodiak's chances of success be influenced by its decision to file the complaint in a district court within the Second Circuit or in a district court within the Ninth Circuit?

Illus. #1

Illus. #2

III

Movie Production Corp. (hereafter MPC) made and distributed with appropriate copyright notice a romantic comedy movie in 1992. MPC registered a claim of copyright in the movie in 1992. Approximately one-half of the scenes and one-half of the playing time of the movie take place in the bedroom of a couple. The scenes set in the bedroom are scattered throughout the movie. On the wall of the bedroom MPC painted a facsimile of a well-known sentimental painting of a woman's face made by Painter in 1985. The facsimile resembles Painter's painting except that in the facsimile a zipper is substituted for the woman's mouth. The facsimile is visible in the scenes set in the bedroom. Prior to making the facsimile, MPC sought Painter's permission and Painter refused, stating that such use of his painting would hurt his reputation. Video Store sells copies of the movie which it makes without permission from MPC.

MPC has brought suit against Video Store for copyright infringement seeking an injunction and damages. What are the rights of MPC and Video Store?

IV

Comment on one (1) of the following cases:

1. American Geophysical Union v. Texaco, Inc.
2. Stewart v. Abend

Does the case you selected represent a problem in need of reform?

If so, what reform do you recommend?

EXAMINATION ENDS