

Law 633 Handout

for discussion in class on Wednesday, April 24, 2019

1. This handout contains a near-final draft of the instructions for your final take-home exam.

2. Here is a list of the sections of the 1976 Copyright Act that I assigned this semester. (It should be identical to the sections listed on the syllabus.):

17 U.S.C. §§ 101, 102, 103, 104A, 105, 106, 106A, 107, 108, 109, 110, 113, 114, 115, 117, 120, 201, 202, 203, 204, 301, 302, 303, 304, 305, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 501, 502, 503, 504, 505, 506, 507, 512, 602, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1201

The exam will not involve all or even most of them, but you should consider anything covered by these sections to be fair game. You will need your copy of the listed sections of the current copyright statute when you take the exam.

3. The exam will not include any questions on the *Music Modernization Act*.

4. The earliest work at issue in this year's exam was first fixed in tangible form in 1997.

Law 633 Copyright
Jessica Litman
Final Examination – Winter 2019

This is a 48-hour take-home examination

MATERIALS ALLOWED:

- Casebook
- 2018 Case Supplement
- 2019 Revised Chapter 7
- A copy of the Copyright Act
- Handwritten or typed (*not* taped) class notes or course outline prepared by you
- English language dictionary
- This examination and appendix

During the examination, you may not refer to any books, hornbooks, treatises, F.A.Q.s, CDs, DVDs, audio recordings, films, television programs, commercial study aids, case reports, Wikipedia, Lexis, Westlaw, any files available on Canvas, any source available over the Internet, another student's class notes, or any other material not listed above. You may not discuss the examination with anyone or collaborate with any other person on any part of the exam. If I discover that you have violated any of these limitations, you will receive a failing grade. You should observe the word limits for your answers to each question.

This examination consists of two files. This file contains the instructions and questions. The second file reproduces images that you might find useful for answering the questions. Check now to make sure that you have both files.

Include your assigned Exam ID number for this course (**not** your name) as a running header in your exam answers file. Include the word counts for your answer to each part of each question at the end of that answer.

More detailed general instructions for taking the examination are on the following page.

Law 633 Copyright Final Examination
Winter 2019
Jessica Litman

GENERAL INSTRUCTIONS

This is a limited open-book, 48-hour take-home examination. You may consult your casebook, the 2018 Case Supplement, the 2019 revised Chapter 7, and your copy of the copyright statute. You may also refer to a dictionary, your own class notes, and a course outline prepared by you. You may not consult *any* other material. (You may not, for example, consult any hornbook or secondary source, any notes or outlines created by another classmate or by a member of a prior year's class, any newspaper, magazine, television program, audio recording, CD or DVD, podcast, or any printed out, photocopied, online or downloaded copy of any statute, case, or bill other than the current copyright statute. You may not consult any material whatsoever via the Internet.) You are forbidden to ask anyone for assistance, suggestions, ideas, or inspiration, or to collaborate with anyone on any part of the exam. If I discover that you have violated any of these rules, you will receive a failing grade.

Your answers are subject to word limits. I will not give credit for any portion of any answer that exceeds the word limit for that part of the answer to that question. Write the number of words in each of your answers immediately following that answer.

Upload your completed examination answers no later than 48 hours after downloading the exam. The Registrar's guidelines instruct you to keep a copy of your answers until you receive a grade in the course. During the rest of the exam period, please keep very close track of that file, to avoid exposing your classmates to unreasonable temptation, and yourself to unreasonable risk. You are responsible for ensuring the security of your answers. If I discover that someone has copied part or all of an answer from another student's exam, both students will receive a failing grade on that question.

There are three questions. I have included further instructions with each question. Please read them carefully. You should spend *much* more time thinking about the questions than you do writing your answers. In order to stay within the word limits, you will need to decide which of the issues raised in the questions require extensive discussion, which ones need only cursory mention, and which ones are not relevant to your answers and need not be discussed at all. I do not give any credit for unresponsive descriptions of general legal principles or for faithful transcriptions of my own remarks, so avoid the temptation to rewrite your course outline in your answers or to feed me back the opinions I have expressed in class. I will subtract credit for flatly incorrect legal statements.

One or more of the questions may be drawn from real situations that have occurred in real locations. Nonetheless, I do not expect you to apply the law of a particular circuit to cases brought in its courts. For the purposes of the exam you should assume that all cases in your casebook are persuasive authority to all courts on all relevant issues, but that the decisions of higher courts may have more weight than those of lower courts, and more recent cases may have modified the law articulated in older cases.