Copyrightable Subject Matter in the Next Great Copyright Act

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1790-1909

- 1790: books, maps, charts
- 1802: historical or other prints
  - 1831: any print, cut, engraving
- 1831: musical compositions
- 1856: dramatic compositions
- 1865: photographs & negatives thereof
- 1870: painting, drawing, chromo, statute, statuary, models & designs intended to be perfected as works of the fine arts
1909 Act

“The works for which copyright may be secured under this title shall include all the writings of an author.” (§4)
1909 Act Registration Classes (§5)

- books, including composite & cyclopaedic works
- periodicals, including newspapers
- lectures, sermons, addresses for oral delivery
- dramatic & dramatico-musical compositions
- musical compositions
- maps
- works of art, models, or designs for works of art, and reproductions of a work of art
- drawings or plastic works of a scientific or technical character
- photographs
- prints or pictorial illustrations
- motion picture photoplays & motion pictures other than photoplays (1912)
1976 Act

• “works of authorship”

• works of authorship include
  – literary works
  – musical works
  – dramatic works
  – pantomimes & choreographic works
  – pictorial, graphic & sculptural works
  – motion pictures and other audiovisual works
  – sound recordings
  – architectural works (1990)
Principle 1

Expressly enumerate all categories of subject matter protected under the statute.
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Principle 2

Protect compilations and derivative works only if they fall within one of the enumerated categories of protected subject matter.
Principle 3

Define each enumerated category of protected subject matter.
Principle 4

Don’t protect all “Writings” of “Authors” within the Constitution’s Copyright Power.
Thank You

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