

IP Law

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Copyright II: Exclusive rights
and infringement

17 U.S.C. § 106. Exclusive rights in copyrighted works

Subject to sections 107 through 122, the owner of copyright under this title has the **exclusive rights to do and to authorize** any of the following:

- (1) to **reproduce** the copyrighted work in copies or phonorecords;
- (2) to **prepare derivative works** based upon the copyrighted work;
- (3) to **distribute copies or phonorecords** of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to **perform the copyrighted work publicly**;
- (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to **display the copyrighted work publicly**; and
- (6) in the case of sound recordings, to **perform the copyrighted work publicly by means of a digital audio transmission**.

17 U.S.C. § 101. Definitions

*** “**Copies**” are **material objects, other than phonorecords, in which a work is fixed** by any method now known or later developed, and from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term “copies” includes the material object, other than a phonorecord, in which the work is first fixed.

*** “**Phonorecords**” are **material objects in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed** by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term “phonorecords” includes the material object in which the sounds are first fixed.

17 U.S.C. § 101. Definitions

*** A “**derivative work**” is a work **based upon one or more preexisting works**, such as a **translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted**. A work consisting of editorial revisions, annotations, elaborations, or other modifications which, as a whole, represent an original work of authorship, is a “derivative work”.

*** To “**display**” a work means to **show a copy of it**, either **directly or by means of a film, slide, television image, or any other device or process** or, in the case of a motion picture or other audiovisual work, to show **individual images nonsequentially**.

*** To “**perform**” a work means to **recite, render, play, dance, or act it, either directly or by means of any device or process** or, in the case of a motion picture or other audiovisual work, to **show its images in any sequence or to make the sounds accompanying it audible**.

17 U.S.C. § 101. Definitions

* * * To perform or display a work “**publicly**” means—

- (1) to perform or display it **at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered**; or
- (2) to **transmit or otherwise communicate** a performance or display of the work **to a place specified by clause (1) or to the public**, by means of any device or process, whether the members of the public capable of receiving the performance or display **receive it in the same place or in separate places and at the same time or at different times**.

* * *

Vince P.

What **don't kill me**
make me stronger

The more I blow up the
more you **wronger**

You copied my CD you
can feel my hunger

The **wait** is over
couldn't wait no longer

Trying to get a model
chick like **Kate Moss**

Kanye West

N-N-N-now th-th-that **don't kill me**
Can only **make me stronger**

I need you to hurry up now

Cause I **can't wait much longer**

I know I got to be right now

Cause I can't get much **wronger**

Man I've been **waitin'** all night now

That's how long I've been on ya.

You could be my black **Kate Moss**
tonight.

