

EXAMPLES & EXPLANATIONS

Copyright

Fourth Edition

Stephen M. McJohn



Wolters Kluwer

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Stephen M. McJohn

Professor of Law
Suffolk University



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Preface

This book provides the necessary tools for learning the basics of copyright law. Written for law students taking a copyright law survey course or anybody seeking an introduction to the fundamentals of copyright law, the book is divided into four primary areas: copyrightable subject matter, ownership and transactions, statutory rights, and copyright litigation. Copyright law is part of intellectual property law, which governs rights concerning information, but the legal subject matter of copyright overlaps only slightly with patents and trademarks.

Copyright law applies to works of authorship but goes beyond authors. Copyright concerns starving artists, grazing capitalists, crafty hackers, hopeful investors, conspicuous consumers, rule makers, keepers of secrets, software devotees, rummaging downloaders, rappers, writers, gamers—potentially anyone. In the digital world, copyright spreads everywhere. Its practical rules govern a most protean subject matter: creative expression from Montesquieu to Monty Python. Copyright affects freedom of expression, moral rights of artists and other innovators, allocation of economic resources, interests of consumers, and more.

The book follows the method of the Examples and Explanations series. Each section is followed by examples and corresponding explanations that provide substance to the legal rules and guide students in applying them to other situations. The examples are drawn from many sources: judicial opinions, news reports, student questions, and daily life. Learning the law is not merely learning the rules. Learning the law means learning to apply those rules to a variety of cases. By working with concrete examples and explanations, active readers will develop such comprehensive skills.

The examples can also be used to review the concepts. Readers can work through the examples in a section without rereading the text. They can also change the facts in an example and ask whether the result would be different—or ask how the facts would have to change for the result to be different in a specific way.

I greatly appreciate help from students and colleagues, from the readers who generously provided comments on drafts, from Wolters Kluwer (Troy Froebe, Carol McGeehan, Susan McClung, Tony Perriello, Barbara Roth, Peter Skagestad, and Kathy Yoon), and especially from my family. Special thanks

Preface

go to the students at the *Northwestern Journal of Technology and Intellectual Property*. Our annual “Top Tens” analyses of intellectual property law were sources of updates for this book.

Thoughts, comments, suggestions, examples, and explanations are always welcome at smcjohn@suffolk.edu.

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