

APPENDIX I

**UNITED STATES CODE SERVICE
CONSTITUTION OF THE UNITED STATES OF AMERICA
ARTICLE I. LEGISLATIVE DEPARTMENT**

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Current through changes received June 2003

Sec. 8, Cl 8. Patents and Copyrights.

The Congress shall have the Power...

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

APPENDIX II

UNITED STATES CODE SERVICE TITLE 17. COPYRIGHTS CHAPTER 1 – SUBJECT MATTER AND SCOPE OF COPYRIGHT¹

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Current through P.L. 108-79, approved 9/4/03

§ 102. Subject matter of Copyright: In General

(a) Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories:

(1) literary works;

...

(b) In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

§ 106. Exclusive Rights in Copyrighted Works

Subject to sections 107 through 122, the owner of a 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;

...

(4) in the case of literary . . . to perform the copyrighted work publicly;

(5) in the case of literary . . . to display the copyrighted work publicly;

§ 107. Limitations on Exclusive Rights: Fair Use

Notwithstanding the provisions of sections 106 . . . , the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include--

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

¹ We have provided only the pertinent parts of the statute.

- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

APPENDIX III
Table of Authorities

CASES

ISSUE I:

Feist Publications, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340 (1991)

Herzog v. Castle Rock Entertainment, Inc., 193 F.3d 1241 (11th Cir. 1999)

Reyher v. Children's Television Workshop, 533 F.2d 87 (2d Cir. 1976)

Sony Corp. v. Universal City Studios, Inc., 464 U.S. 417 (1984)

Suntrust Bank v. Houghton Mifflin Company, 268 F.3d 1257 (11th Cir. 2001)

ISSUE II:

Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569 (1994)

Castle Rock Entertainment, Inc. v. Carol Publishing Group, Inc., 150 F.3d 132 (2d Cir. 1998)

Elsmere Music, Inc. v. National Broadcasting Company, 623 F.2d 252 (2d Cir. 1980)

Harper & Rowe, Publishers, Inc. v. Nation Enterprises, 471 U.S. 539 (1985)

Sony Computer Entertainment, Inc. v. Connectix Corp., 203 F.3d 596 (9th Cir. 2000)

Suntrust Bank v. Houghton Mifflin Company, 268 F.3d 1257 (11th Cir. 2001)

STATUTES

ISSUE I:

United States Constitution, Article I, Section 8, Clause 8

17 U.S.C.S. § 101 et seq.

ISSUE II:

17 U.S.C.S. § 107