



# CopyrightX Lecture 5: Authorship

Selected Illustrations

William Fisher

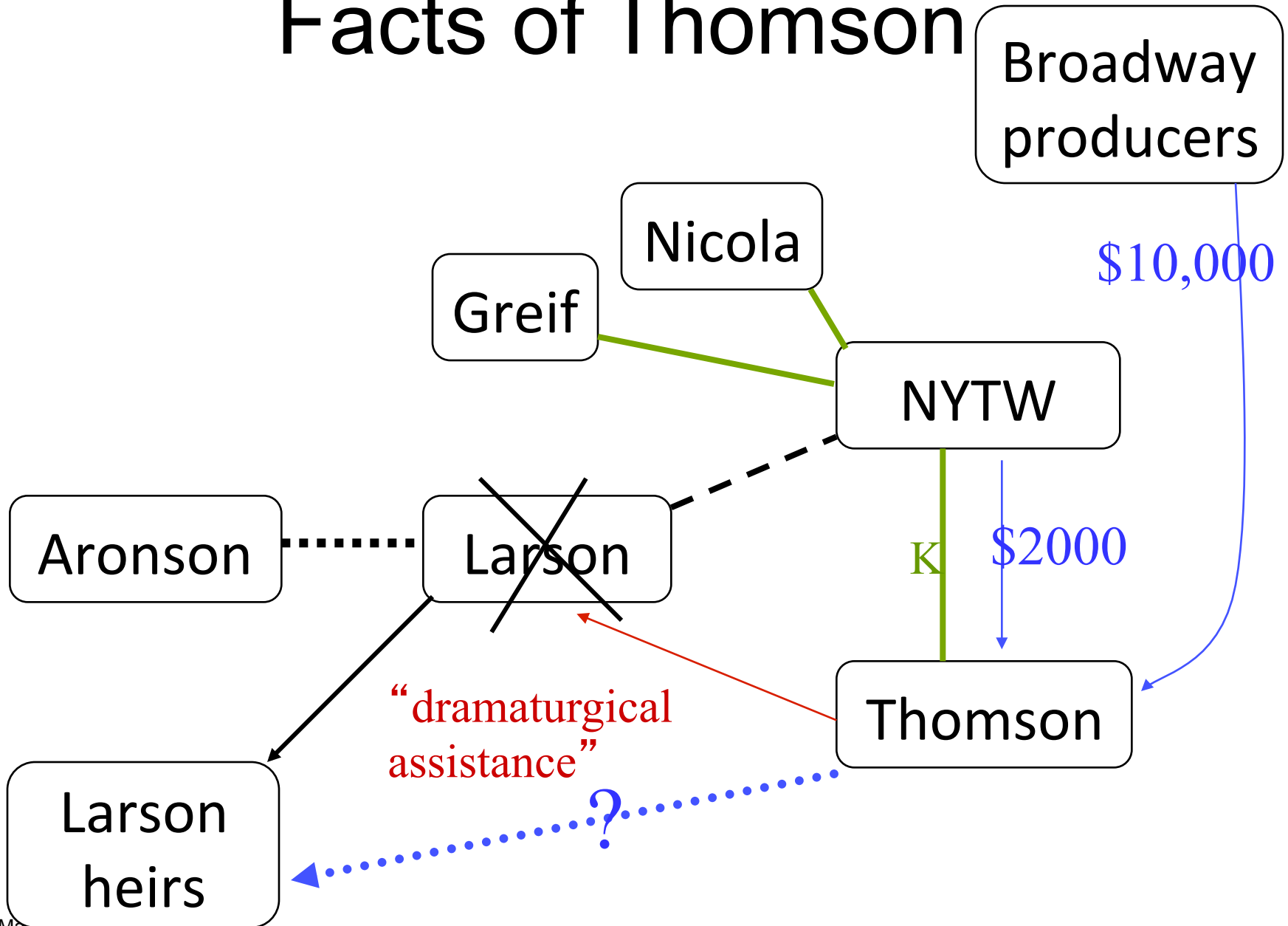


The following images appear in the background of fifth lecture in the CopyrightX lecture series. A recording of the lecture itself is available at <http://copyx.org/lectures/>. Removed from their original context, the images will not make much sense. The function of this collection of images is to enable persons who have already watched the lecture to review the material it contains.

The terms on which these materials may be used or modified are available at <http://copyx.org/permission/>.



# Facts of Thomson





# Wordsworth, “Essay, Supplementary to the Preface” (1815)

“Of genius the only proof is, the act of doing well what is worthy to be done, and what was never done before: Of genius in the fine arts, the only infallible sign is the widening the sphere of human sensibility, for the delight, honor, and benefit of human nature. Genius is the introduction of a new element into the intellectual universe: or, if that be not allowed, it is the application of powers to objects on which they had not before been exercised, or the employment of them in such a manner as to produce effects hitherto unknown.”

- Source: Martha Woodmansee, “On the Author Effect,” 10 *Cardozo Arts & Entertainment Law Journal* 279 (1992)



# CCNV Factors

- Hiring party's right to control → CCNV controls
- Skill required → Reid is sculptor
- Source of the tools → Reid has own tools
- Location of the labor → Reid uses own workshop
- Duration of the relationship → 2 months
- Right to assign additional projects → no right to assign more work
- Control over hours of work → no control
- Method of payment → flat sum
- Right to hire assistants → Reid had total discretion
- Business of the hiring party → CCNV is not in sculpture business
- Employee benefits → no payroll or SS taxes
- Tax treatment → no payroll or SS taxes

Red = favors "employee"; blue = favors "employer"



# CCNV Factors

- Hiring party's right to control
- Skill required
- Source of the tools
- Location of the labor
- Duration of the relationship
- Right to assign additional projects
- Control over hours of work
- Method of payment
- Right to hire assistants
- Business of the hiring party
- Employee benefits
- Tax treatment

Aymes v. Bonelli (CA2 1992) gloss