

Copyright

Spring 2016

Professor William Fisher

Part II

This portion of the exam is open-book, and the exam mode is TAKEHOME. In preparing your answer, you may read any material you wish. You are also free to discuss your answer with your classmates or other persons. However, you must indicate in your answer the sources of any ideas you have derived from others.

Answer one and only one of the following two questions:

- (A) In April 2009, the Economist magazine organized an online debate concerning the merits and demerits of the copyright system. Participants included Justin Hughes (Professor at Loyola Law School and a treaty negotiator on behalf of the United States), John Kennedy (Chairman of the IFPI), Dale Cendali (Partner at Kirkland & Ellis and Adjunct Professor at HLS), Jennifer Urban (Director of the IP and Technology Law Clinic at USC), Jessica Litman (Professor at the University of Michigan Law School), David Lammy (Minister for Higher Education and IP, United Kingdom), and William Fisher. Read the contributions to the debate: http://cyber.law.harvard.edu/people/tfisher/cx/Economist_Debate_2009.htm. Then draft your own contribution.
- (B) What should be the purpose(s) of copyright law? Describe how, if copyright law were reformed so as to advance more effectively the purpose(s) you have identified, the rules governing two of the following sectors would change:
- 1) copyright protection for “useful articles”;
 - 2) formalities as preconditions for copyright protection;
 - 3) termination rights;
 - 4) appropriation art;
 - 5) traditional knowledge;
 - 6) the “safe harbors” provided by section 512.

Your answer to Part II of the exam may not exceed 2000 words (including any footnotes or references). You must submit it before 4:30 p.m. on May 6, 2016, to the Registrar’s Office using the Exam 4 software.