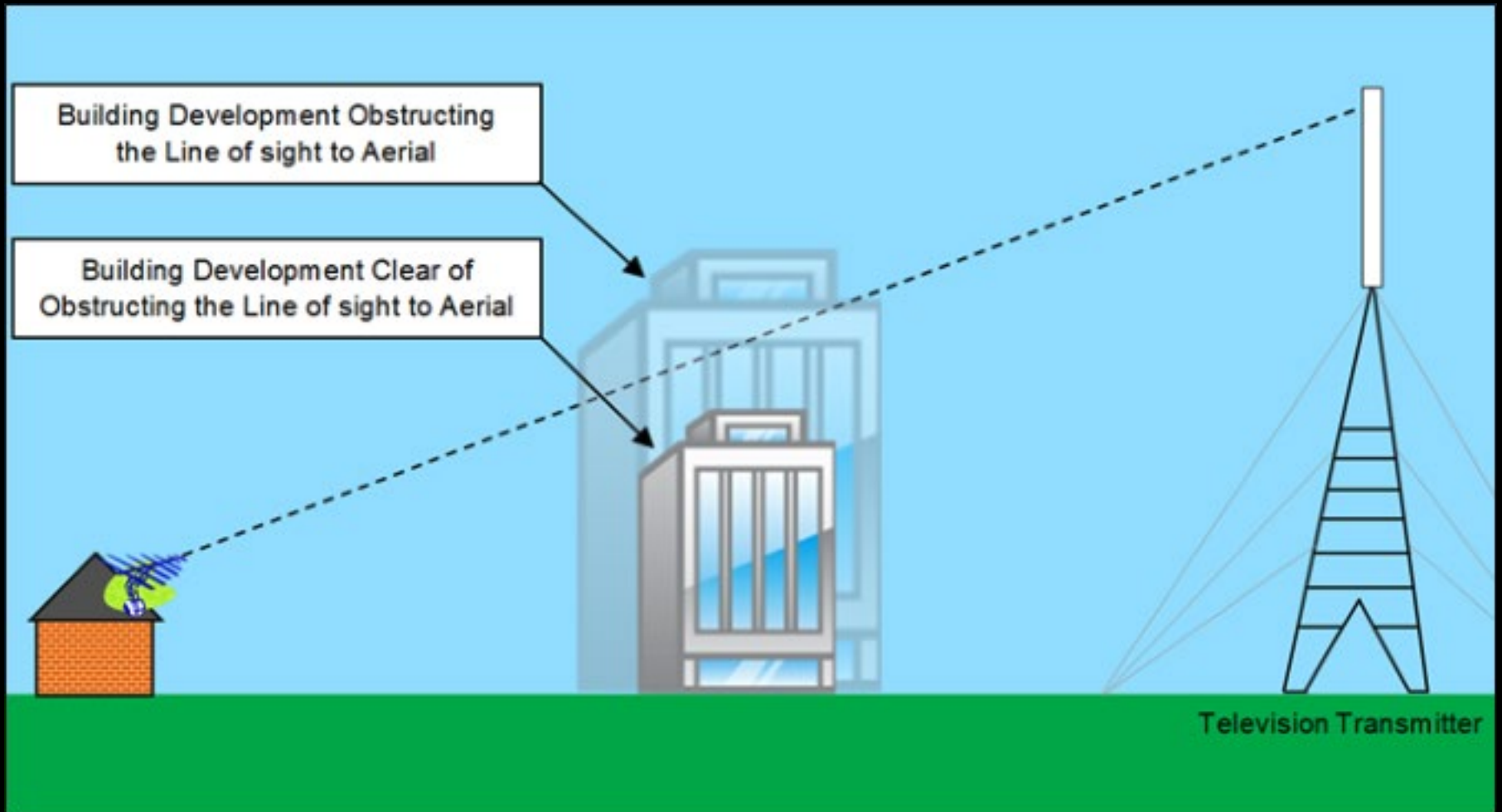


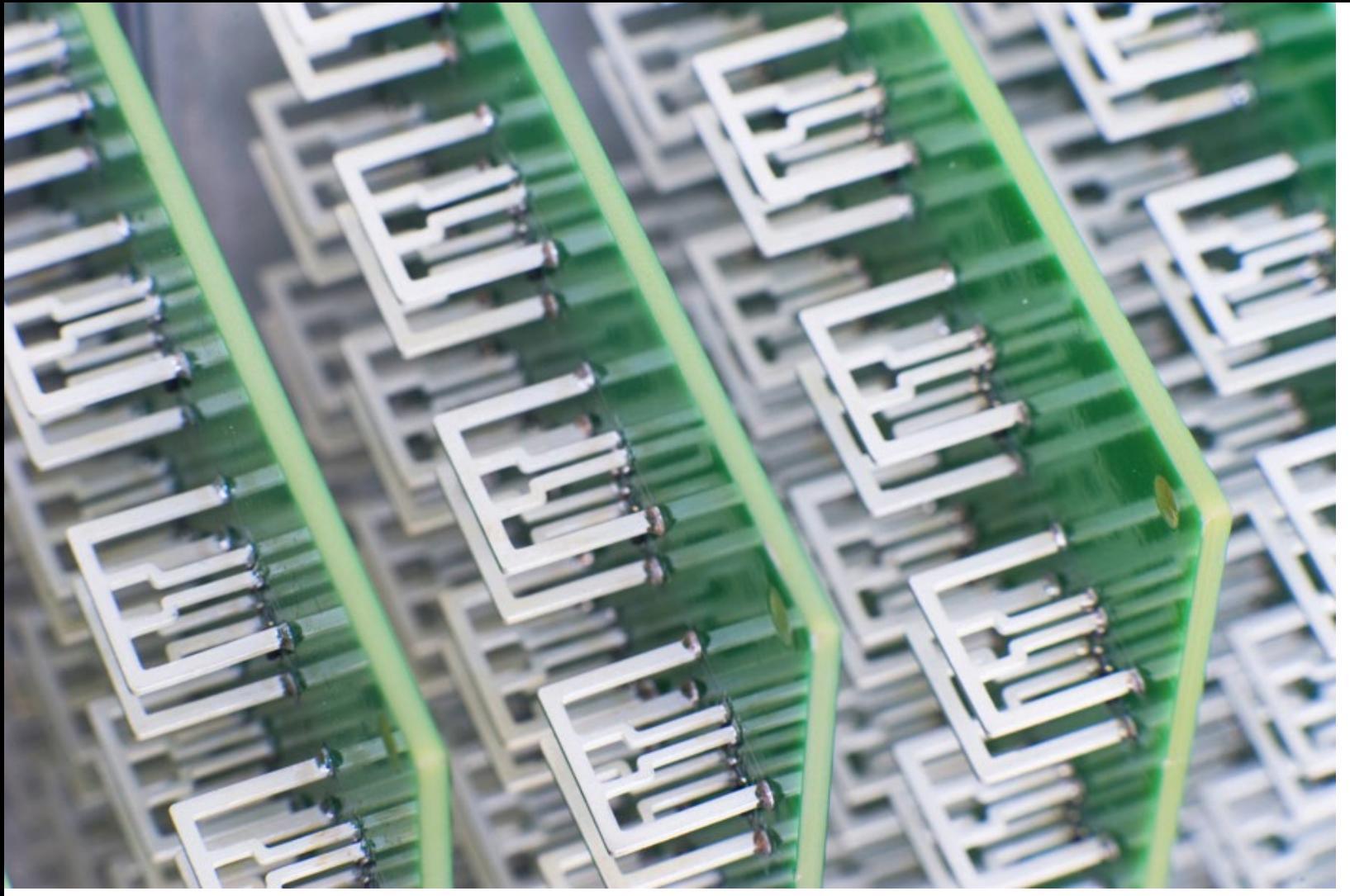
ABC v. Aereo



ABC v. Aereo

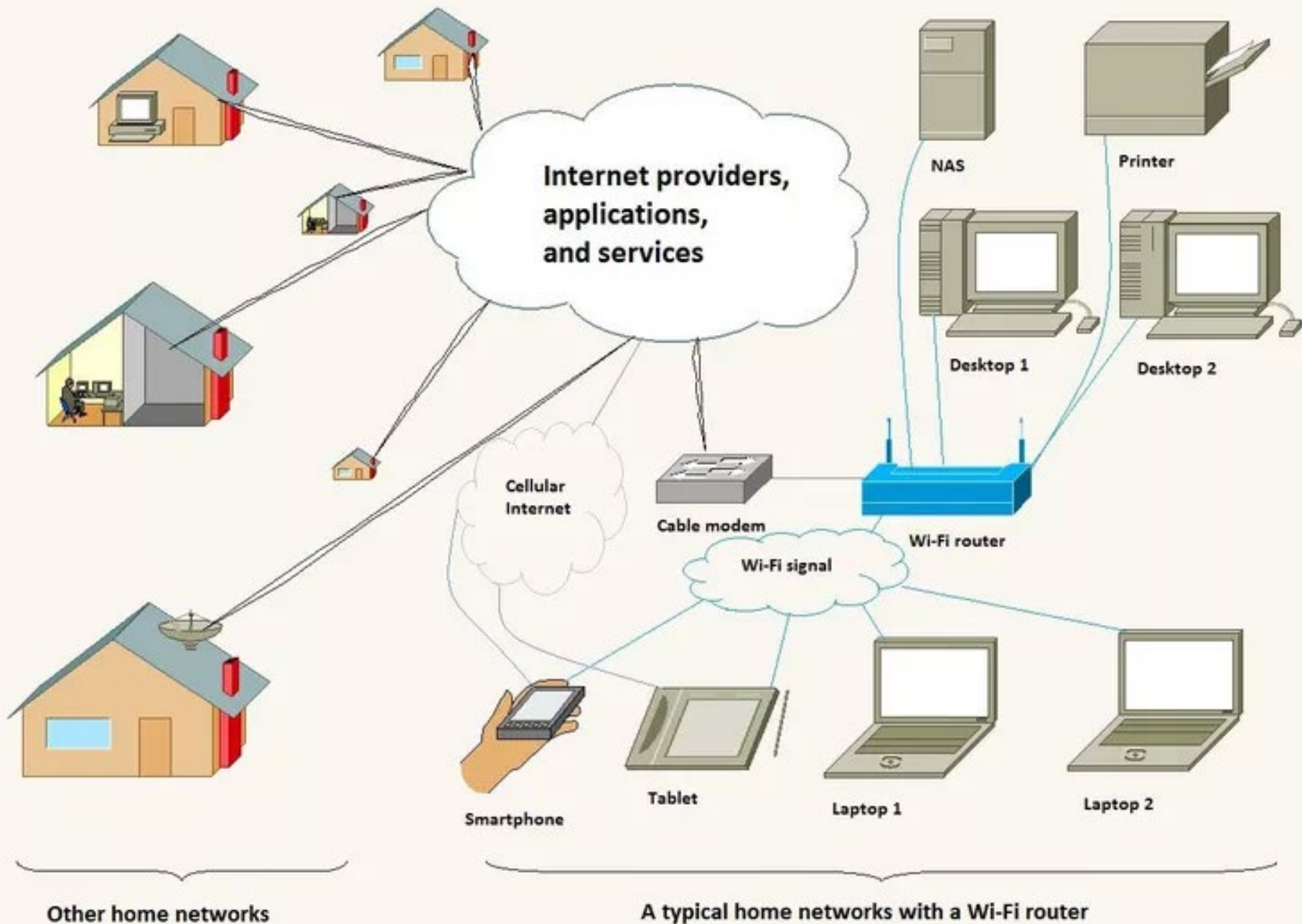


ABC v. Aereo



ABC v. Aereo

- Infringe right to public performance?
 - Perform?
 - Public?
- What about copying?
- What about distribution?
- Broader concerns?



Copyright Infringement – Moral Rts.

“(a) Rights of Attribution and Integrity.— . . . the author of a work of visual art—

(1) shall have the right—

(A) to claim authorship of that work, and

(B) to prevent the use of his or her name as the author . . . and

(3) . . . (A) to prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation . . . and (B) to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work” 17 U.S.C. § 106A

Copyright Infringement – Moral Rts.

“A “work of visual art” is—

(1) a painting, drawing, print, or sculpture, existing in a single copy, in a limited edition . . .

(2) a still photographic image produced for exhibition purposes only, existing in a single copy that is signed by the author, or in a limited edition . . .

A work of visual art does not include—

(A) (i) any poster, map, globe, chart, technical drawing, diagram, model, applied art, motion picture or other audiovisual work, book, magazine, newspaper, periodical, data base, electronic information service, electronic publication . . . ;

(ii) any merchandising item or advertising, promotional, descriptive, covering, or packaging material or container; . . .

(B) any work made for hire;” 17 U.S.C. § 106A

Copyright Infringement – Moral Rts.

- Other limitations
 - Does not survive the author
 - Can waive in writing and transfer (§ 106A(e))
 - Limitations on right of integrity (§ 113(d))
- Other ways to protect moral rights?
 - Derivative rights
 - Trademark law