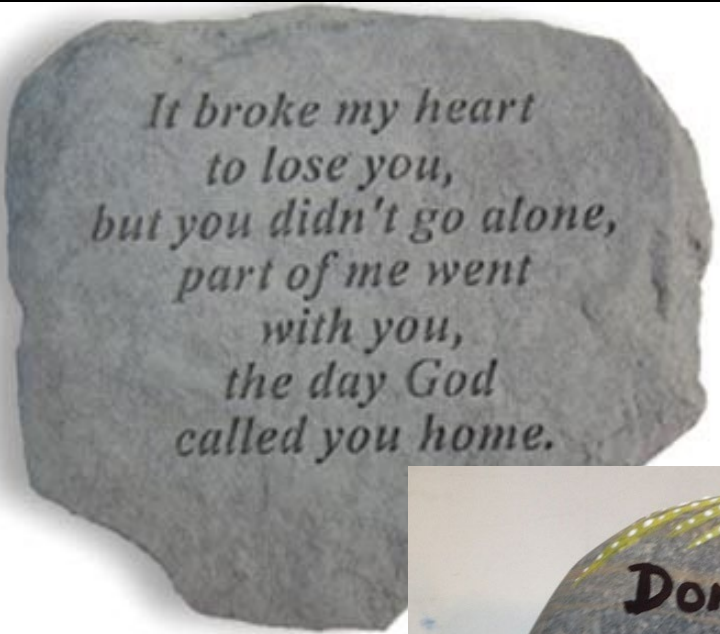
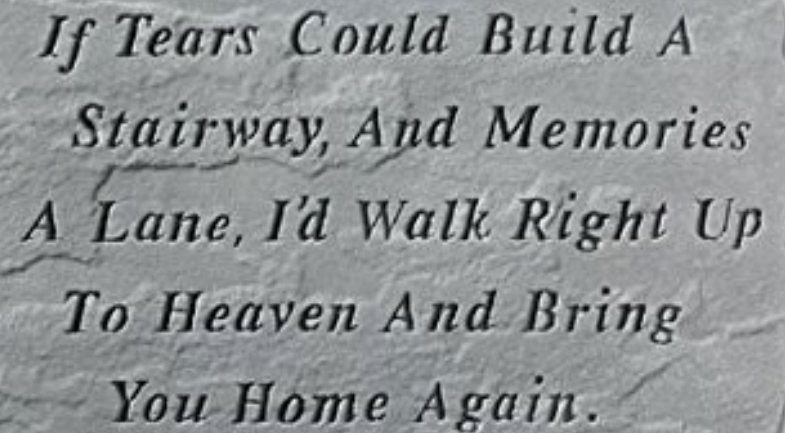


# Kay Berry v. Taylor Gifts



*It broke my heart  
to lose you,  
but you didn't go alone,  
part of me went  
with you,  
the day God  
called you home.*



*If Tears Could Build A  
Stairway, And Memories  
A Lane, I'd Walk Right Up  
To Heaven And Bring  
You Home Again.*



**DON'T BO  
ME WHILE I'm  
FISHING,  
UNLESS YOU  
BROUGHT  
BEER!**

The stone is decorated with white dots forming a sunburst at the top, two fish on the left, a beer glass on the right, and blue and green waves at the bottom.

# Copyright Infringement

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- Two steps:
  - Actual Copying
  - Improper Appropriation
- Public Domain Poem
  - Five-line format
  - Capital letter each line
  - All italics

# Copyright Infringement -- Improper

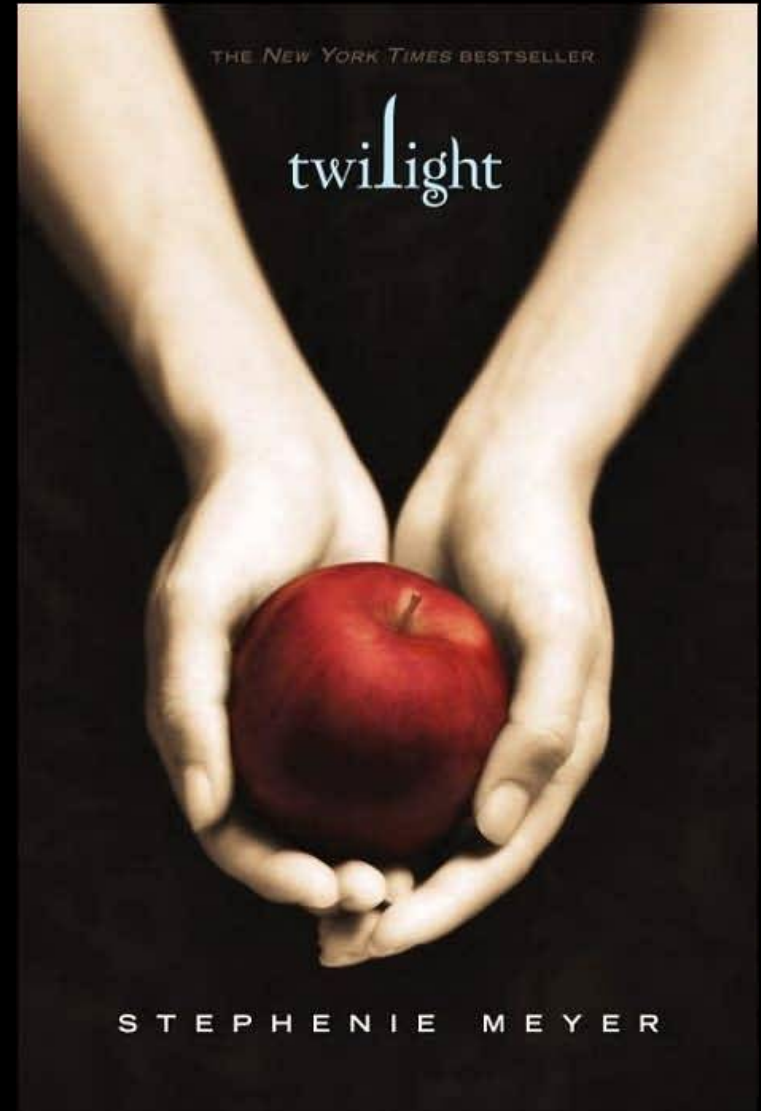
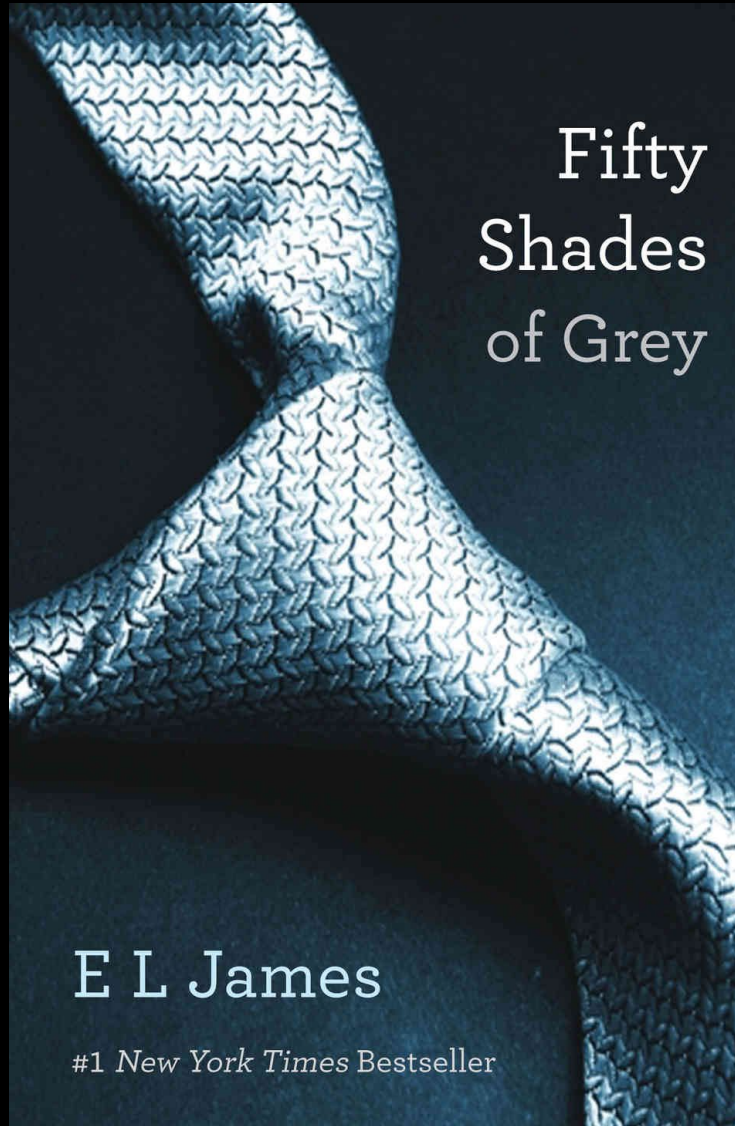
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# Copyright Infringement -- Improper

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# Copyright Infringement -- Derivative

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“Subject to sections 107 through 122, the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

. . .

(2) to prepare derivative works based upon the copyrighted work;”

17 U.S.C. § 106

# Derivative Works

§ 101 — A “derivative work” is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications which, as a whole, represent an original work of authorship, is a “derivative work”.