

LAW 7822-01: ADVANCED SEMINAR ON COPYRIGHT LAW

REGISTRATION EXERCISE

Prof. Bell
Spring 2005

1. Background Facts

Your client, artist Savant Gourd, has approached you with a request for help in obtaining a copyright registration for one of his works, *P.o.V.* To present the work, he has suspended a run-of-the-mill picture frame from supports that attach to a sort of hat, the totality arranged so that one who wears the headgear will view the world through the empty frame. Gourd's instructions for *P.o.V.* explain that viewers are to put on the headgear to experience the work, which consists in whatever they happen to see in the frame. His commentary claims, "The viewer thereby appropriates the modality of the 'artistic eye' without the interposition of the tropes of canvas and paint. The work thus conveys the artist's Point of View directly to the viewer." Since its somewhat infamous debut in 1996, *P.o.V.* has been shown at several museums of modern art.

Gourd has recently discovered several instances of other avant-garde artists presenting substantially similar works under their own names. He aims to register his work in order to win legal standing to put an end to what he describes as "this outrageous artistic fraud." He understands, however, that registering *P.o.V.* may present some peculiar legal problems, and so has asked you both for an opinion as to the work's registrability and a draft of what you think would constitute the most appropriate copyright registration form.

2. Assignment

Write a memorandum of five or more pages for Mr. Gourd assessing the copyrightability of his work, *P.o.V.* Although your memorandum should focus on that particular issue, you should not hesitate to raise other legal or practical points that you think would help to promote your client's interests.

Even if you conclude that Mr. Gourd has absolutely no hope in ultimately defending the copyrightability of *P.o.V.* choose the *most appropriate* registration (or, if you prefer, *least inappropriate*) form for the work and fill it in as a draft for his review. You can find the full panoply of registration forms, together with instructions for their completion, at the United States Copyright Office's web site, <<http://www.copyright.gov/forms/>>.

This project will count for 20% of the grade you receive for the written work that you prepare for this course. Please do not sign it; instead, use your exam number.

3. Deadline

Before or at the beginning of our class scheduled for Wednesday, February 2, you should hand in to Professor Bell or his secretary your memorandum and draft registration form. Please be prepared to discuss your work during that class.