

Copyright Resources on Practical Law

Below is a list of essential Practical Law resources to help you get up to speed on the basics. These helpful resources include:

- Practice Notes: Plain language, how-to-guides.
- Standard Documents: Sample templates of pleadings, motions, and other documents that include helpful drafting notes which provide guidance and direction.
- Checklists and Flowcharts: Process oriented guides to give you a quick overview of required steps for various issues.

Copyright: Overview – Practice Note

Gain an overview of the main features of US copyright law. It outlines the legal framework under the Copyright Act of 1976. The guide discusses the types of works protected by copyright, requirements for a work to qualify for copyright protection, the bundle of exclusive rights provided by copyright, copyright duration, rules on ownership and transfers of copyright, registration and other procedural formalities, and copyright infringement claims, defenses, and remedies.

Copyright Fair Use – Practice Note

Learn more about the fair use doctrine under US copyright law, including an overview of the constitutional basis and policy rationales for the fair use doctrine and the Copyright Act's provisions governing fair use. It also outlines the practical and strategic issues counsel should consider in advising clients on and litigating fair use and discusses the intersection of fair use and new technologies.

Copyright Duration – Flowchart

A flowchart showing the process for determining copyright duration and status for works created or first published in the US by US authors. It reflects a general framework based on the Copyright Act of 1976, the current law governing copyright protection, and the Copyright Act of 1909, which is still relevant for works created before January 1, 1978.

Copyright Infringement Claims, Remedies and Defenses – Practice Note

Gain an overview of copyright infringement claims in the US, including discussion of the types of infringing acts, the elements of a copyright infringement claim, and related remedies and defenses. It also addresses certain procedural considerations, including jurisdiction, venue, and pre-suit considerations.

Copyright Litigation: Analyzing Substantial Similarity – Practice Note

Learn about the significance of similarities and dissimilarities between works in copyright litigation. The guide explains how courts compare works for purposes of evaluating copyright infringement claims. Topics discussed include the elements of copyright infringement, actual copying, substantial similarity (infringing copying), analyzing substantial similarity for specific categories of works, evidentiary considerations, and practical considerations for counseling on and litigating substantial similarity.

Copyright Litigation: Injunctive Relief – Practice Note

Learn more about injunctive relief in copyright infringement litigation. Topics include the importance of injunctive relief as an infringement remedy, the traditional tests for injunctive relief in copyright actions, the Supreme Court's decision in *eBay v. MercExchange*, the application of *eBay* to copyright actions and key federal court decisions assessing irreparable harm post-*eBay*.

Digital Millennium Copyright Act (DMCA): Safe Harbors for Online Service Providers – Practice Note

This guide provides an overview of the safe harbor provisions of the Digital Millennium Copyright Act (DMCA), also known as the Online Copyright Infringement Liability Limitation Act (OCILLA). Under certain circumstances, the DMCA's safe harbor provisions protect online service providers from copyright infringement liability based on the actions of their users. This guide discusses the four safe harbors created by the DMCA, eligibility requirements for each safe harbor, and the DMCA's notice, takedown, and counter-notice framework.

Fashion Law: Overview – Practice Note

Gain an overview of fashion law in the US and related practice considerations, including the legal issues faced by the fashion industry in the areas of intellectual property, product design and development, labor and employment, supply chain and other commercial issues, e-commerce, real estate, advertising, and regulatory compliance.