

# DIGITAL PROPERTY

## Rights, Policies, and Practice

### Schedule

Room: FMH315

Time: Mon & Thu 10 - 11:15

### Instructor Contact

E-mail: [mklang@fordham.edu](mailto:mklang@fordham.edu)

Twitter: @klangable

Phone: 718-817-4870

Office: Faculty Memorial Hall,  
Room 438

Office Hours: MR 11:15-12:15,  
email for appointment.

### How to email your professor

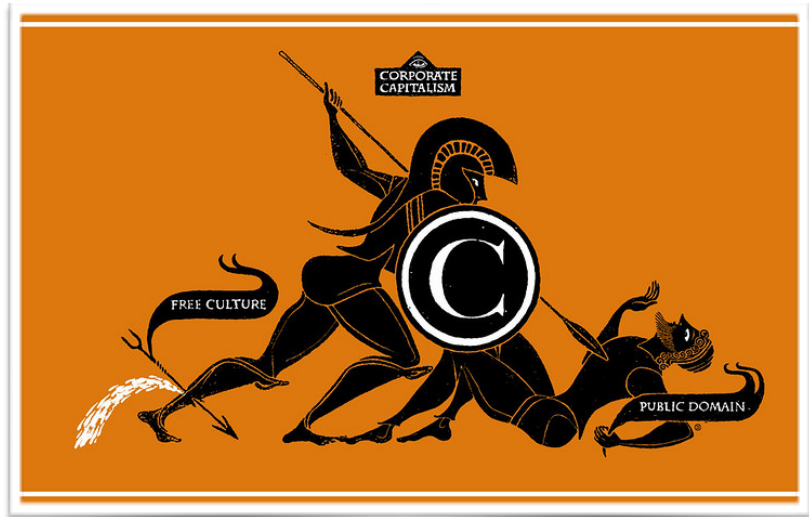
[http://klangable.com/blog/?page\\_id=4746](http://klangable.com/blog/?page_id=4746)

### Thoughts on Grading

<http://klangable.com/blog/teaching/grading/>

### Inclusivity Policy

<http://klangable.com/blog/teaching/inclusivity-policy/>



Christopher Dombres Battle of Copyright (PD)

## Goals

This course will discuss the roots and rationale of property, focus on the development and practice of intellectual property. Through this understanding of copyright the course will also introduce the participants to various forms of copyright licensing, free and open source software, copyleft theories, and open access questions.

This course is aimed to those who will work in the digital media environment and will provide a framework for understanding how intellectual property impacts this work. After the course the participants will have a grasp of the role of copyright in the digital environment, the role of technology in the regulation of property rights, and gain insights into the function and practices of intellectual property licensing.

<b>WEEK 1 Property</b>		
13 Jan	Introduction	
16 Jan	Theories of Property	Carruthers & Ariovich Sociology of Property Rights
<b>WEEK 2 Theories of IP</b>		
20 Jan	MLK CLOSED	
23 Jan	Theories of intellectual property	Boyle Why Intellectual Property?, Hesse The Rise of Intellectual Property
<b>WEEK 3 Copyright</b>		
27 Jan	Theory & History	Corrigan Colmcille and the Battle of the Book
30 Jan	Copyrightable Materials	Boyle & Jenkins pp 293 - 331
<b>WEEK 4 Copyright Cases</b>		
3 Feb	Cases	Nichols v. Universal Pictures Corp. et al, Computer Associates v. Altai, Inc. , Anderson v. Stallone
6 Feb	Cases	Arnstein v. Porter, Dawson v. Hinshaw Music, Newton v. Diamond
<b>WEEK 5 Fair Use</b>		
10 Feb	Fair Use	Rife The fair use doctrine
13 Feb	Online Session Cases to BB	See sidebar page 4
<b>WEEK 6 EXAM</b>		
17 Feb	CLOSED	
20 Feb	EXAM	COPYRIGHT EXAM
<b>WEEK 7 Building on the Past</b>		
24 Feb	Is plagiarism bad?	Lethem The Ecstasy of Influence, Frye Plagiarize This Paper
27 Feb	Music: a history of copying	Hess Was Foucault a plagiarist? Boyle Theft! A History of Music (NOT DIGITAL PARTICIPATION)
<b>WEEK 8 FOSS</b>		
2 Mar	FOSS History	Berry The Canary in the Mine
5 Mar	GPL and other licenses	Liang Copyleft contextualised

**WEEK 9 Creative Commons**

9 Mar	Licensing Creative Works	Garcelon An information commons?
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12 Mar	The Commons Effect	Vaidhyathan Open Source as Culture
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**WEEK 10 SPRING BREAK**

16 Mar	CLOSED	
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19 Mar	CLOSED	
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**WEEK 11 Who Owns Culture**

23 Mar	Who Owns Heritage	Kwame Whose Culture Is It?, Cuno The Case Against
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26 Mar	Pepe: Whose frog is it?	Pelletier & Gagnon Colonizing Pepe
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**WEEK 12 Bodies**

30 Mar	Body as property	Munzer An Uneasy Case against Property Rights in Body Parts
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2 Apr	DNA & Race	Kahn Inventing Race as a Genetic Commodity
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**WEEK 13 The Public Domain**

6 Apr	Public Domain	Boyle Fencing Off Ideas
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9 Apr	Easter CLOSED	
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**WEEK 14 Remix**

13 Apr	Easter CLOSED	
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16 Apr	Remix	Lessig REMIX, Lessig In Defense of Piracy
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**WEEK 15 Open Access**

20 Apr	Open Access	Suber What is Open Access
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23 Apr		Hockenberry Guerilla Open Access Manifesto, Bodó The Genesis of Library Genesis
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**WEEK 16**

27 Apr	Future of Stuff	Perzanowski & Schultz The Internet of Things You Don't Own
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30 Apr	Closing Remarks	
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## A good place to begin...

These course ends with an essay of your own choosing and to help with your preliminary search for an interesting topic within this course I have put together a bibliography of books that are available under a Creative Commons license and are relevant to the course.

## Cases 13 Feb

Sony Corp. of America v. Universal City Studios, Inc., Harper & Row v. Nation Enterprises, Campbell v. Acuff-Rose, SunTrust Bank v. Houghton Mifflin Co., Sega Enterprises Ltd. v. Accolade, Inc., Perfect 10 v. Google. Oracle v. Google., Authors Guild, Inc. v. Google Inc

## Additional Reading

Aigrain, P. (2012) Sharing: Culture and the Economy in the Internet Age. Amsterdam University Press. [CC BY NC ND](#)

Aoki, K., Boyle, J. & Jenkins, J. (2006) Bound By Law? Center for the Study of the Public Domain, [CC BY NC SA](#)

Barnes, P. (2006) Capitalism 3.0: A Guide to Reclaiming the Commons, Berrett-Koehler Publishers. [CC BY NC ND](#)

Berkman Center & EIFL (2012) Copyright for Librarians: The Essential Handbook. [CC BY](#).

Bollier, D. (2008) Viral Spiral: How the Commoners Built a Digital Republic of Their Own, The New Press. [CC BY NC](#)

Boon, M. (2010) In Praise of Copying, Harvard University Press, [CC BY NC SA](#)

Boyle, J. (2008) The Public Domain: Enclosing the Commons of the Mind, Yale University Press. [CC BY NC SA](#)

Boyle, J & Jenkins, J. (2017) Theft! A History of Music, Center for the Study of the Public Domain, [CC BY NC SA](#)

Karaganis, J. (2011) Media Piracy in Emerging Economies, Social Science Research Council. [CC BY NC SA](#).

Kelty, C. M. (2008) Two Bits: The Cultural Significance of Free Software, Duke University Press. [CC BY NC SA](#)

Krikorian, G. & Kapczynski, A. (eds) (2010) Access to Knowledge in the Age of Intellectual Property, Zone Books, [CC BY NC ND](#)

Sanderhof, M. (ed) (2014) Sharing is Caring: Openness and sharing in the cultural heritage sector, Statens Museum for Kunst [CC BY](#)

Stacey, P & Hinchliff Pearson, S. (2017) Made With Creative Commons, by Creative Commons. [CC BY-SA](#)

Suber, P. (2012) Open Access, MIT Press. [CC BY NC](#)

Wynants, M. & Cornelis, J. (Eds) (2005) How Open is the Future? Economic, Social & Cultural Scenarios inspired by Free & Open-Source Software, Brussels University Press. [CC BY NC ND](#)

**Graded Exercises**

Copyright Case 1	10% of grade
Copyright Case 2	10% of grade
Exam	30% of grade
Digital Participation	20% of grade
Final Paper	30% of grade

**Grade Scale**

The final grade for the course is based on the following percentage scale:

A	94 or above
A-	90–93
B+	87–89
B	83–86
B-	80–82
C+	77–79
C	73–76
C-	70–72
D	60–69
F	59 or below.

## On Being Prepared for Class

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While it may seem odd to include in a syllabus, your effort is a required component of this course. The federal definition of course credit hours assumes a minimum of “two hours of out-of-class student work per week for a semester hour.” According to this metric, a student should assume at least six hours of out-of-class work per week for each 3-credit course.

Come to class prepared to answer the following questions regarding each of the readings: (a) what is the basic argument, and what are its strengths and weaknesses? (b) if you disagree with the argument, what would it take to convince you (what is missing)? (c) what are the similarities and differences between this argument and others put forward by readings in the same and in previous weeks?

## Digital Participation

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A large part of this course is built on the discussions we will have during the in class meetings. In order to facilitate the discussions the class will have a Google Doc and the class participants will be required to add discussion questions and comments for the group to discuss in the classroom. All participants must post at

least one question on each reading prior to the class.

## Presenting the Cases

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You will be preparing a study guide and discussing copyright cases in class. At a bare minimum you should be able to present these 4 facts:

- (a) Facts (name of the case and its parties, what happened factually and procedurally, and the judgment)
- (b) Issues (what is in dispute)
- (c) Holding (the applied rule of law)
- (d) Rationale (reasons for the holding)

The more you know about the case the better. You should google it, read about it on Wikipedia, or find a commentary about the case. You should be able to explain what happened to an interested person who is not trained in law.

## Inclusivity

Inclusivity: Every student in this classroom, regardless of personal history or identity categories, is a valued member of this group. Your experiences are valuable and important, and you should feel free to share them as they become relevant to our class. No student in this class is ever expected or believed to speak for all members of a group.

In this classroom you have the right to determine your own identity. You have the right to be called by whatever name you wish, and that name to be pronounced correctly. You have the right to be referred to by whatever pronouns you wish. You have the right to adjust those things at any point in your education. If you find that there are aspects of course instruction, subject matter, or classroom environment that result in barriers to your inclusion, please contact me privately without fear of reprisal. For more see <http://klangable.com/blog/teaching/inclusivity-policy/>

## Attendance

Attendance means more than going to class. It requires speaking up in class and group discussions. Attendance wise, you are allowed to miss TWO classes without a penalty to your grade, exclusive of serious emergencies. (If you are very ill, or have extenuating circumstances, you need to be proactive about contacting me. If you do that, makeup assignments are possible—but they MUST

be cleared with me first). 3 absences automatically take your final grade down one tier of grade lower (i.e. from an A- to a B+). 4 absences result in a full letter grade lowering (A- to B-). Fordham's university-wide policy is that 4 unexcused absences results in a failing grade. It is your responsibility to get readings/assignments for missed days from other students, and you are encouraged to come to my office to discuss topics you're unclear on.

Please be on time for class and remain for the whole class period. If you are more than 10 minutes late, or if you leave more than 5 minutes early, you will be counted as absent for that class.

## Scheduling

Changes to the syllabus may be made at the instructor's discretion and if circumstances require. Participants will be notified of changes via Blackboard/university email. Participants are responsible for keeping up to date with these changes.

Once you have read this syllabus to completion please email me a picture of a cute puppy.

## Writing Aid

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Writing is a painful, but rewarding, process. For help and tips see <http://klangable.com/blog/teaching/writing-resources/>

## Writing Center

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If you struggle with the writing required in this course, please make use of the Writing Center. For more information about their services see [www.fordham.edu/academics/programs\\_at\\_fordham/english/writing\\_center](http://www.fordham.edu/academics/programs_at_fordham/english/writing_center)

## Contacting Me

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Email is the best way to reach me for work related questions. Feel free email me anytime. Most often I reply within 24 hours, unless it is a holiday or weekend.

For more about communicating with faculty check out <http://klangable.com/blog/teaching/annoy-the-faculty/>

## Digital Devices

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Digital devices are distracting to your fellow students and to yourselves. Unless you have prior approval from the instructor, all digital devices (phones, tablets, laptops) must be silenced and put away. Students who disregard the policy will be asked to leave class and will be considered absent that day.

## University Statement on Academic Integrity

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A University, by its nature, strives to foster and recognize originality of thought. Originality can only be recognized, however, when people acknowledge the sources of ideas or works that are not their own. Therefore, students must maintain the highest standards with regards to honesty, effort and performance. As a Jesuit, Catholic University, Fordham is committed to ensuring that all members of the academic community strive not only for excellence in scholarship but also for integrity of character. In the pursuit of knowledge and personal development, it is imperative that students present their own ideas and insights for evaluation, critique and eventual reformulation. As part of this process, each student must acknowledge the intellectual contribution of others. Violations of academic integrity include, but are not limited to plagiarism, cheating on exams, falsification, unapproved collaboration, and destruction of library materials. For further details, consult the Standards of Academic Integrity on the University website.

## Plagiarism

The following is a university-wide policy and those violating it will be subject to failure of the course. If you have any question concerning the plagiarism policy or about documentation of sources in work you produce in this course, come talk to me. For more information about how to cite see

## Academic Coaching

Any student who struggles with time-management and/or organization is invited to one-on-one academic coaching sessions (typically once a week for 45 minutes). Please contact [disabilityservices@fordham.edu](mailto:disabilityservices@fordham.edu) for more information.

## Accommodations

The Office of Disability Services at Fordham University helps to ensure equal educational access and opportunity for all members of our community. In the Jesuit tradition of *cura personalis*, members of the ODS staff work individually with each student to understand his or her strengths and limitations in order to develop their most effective and comprehensive accommodation plan. Fordham will offer reasonable and appropriate auxiliary aids and services to assist otherwise qualified persons in achieving access to its programs, services, and facilities once students meet with ODS for an initial intake meeting to develop an accommodation plan directly with the student in accordance with Section 504 of the Federal Rehabilitation Act of 1973 and Title III of the Americans with Disabilities Act of 1990. Students

seeking accommodation(s) should the Rose Hill Office of Disability Services, (718) 817-0655 or email [disabilityservices@fordham.edu](mailto:disabilityservices@fordham.edu).

If you believe that you have a disabling condition that may interfere with your ability to participate in the activities, coursework, or assessment of the object of this course, please visit the Office of Disability Services, email, or call them.

## Counseling and Psychological Services

University life is full of challenges. Fordham offers support for anyone who feels like they need help dealing with the pressures of life as a student. CPS offers free individual and group counseling and psychotherapy in a safe and confidential setting. For more information about their services see [www.fordham.edu/campus\\_resources/student\\_services/counseling\\_and\\_psych/](http://www.fordham.edu/campus_resources/student_services/counseling_and_psych/)

## Student well-being

Any student who faces difficulty affording groceries or accessing sufficient food to eat everyday, or who lacks a stable place to live is urged to contact your class dean for support. I also urge you to contact me, or our dept chair, about these or other hardships you may be going through.

Your well-being is of primary importance to us. If you are facing challenges related to your physical or mental health, or obstacles like food or housing insecurity, please do not hesitate to reach out. **We can help.**