

Copyright

WORKS ELIGIBLE FOR COPYRIGHT

Works Eligible for Copyright

Title 17 of the United States Code Section 102 (8 categories of original works copyright eligible):

- Literary works
- Musical works
- Dramatic works
- Pantomimes and choreographic works
- Pictorial, graphic and sculptural works
- Motion pictures
- Sound recordings
- Architectural works

Computer Software

- Software is included as eligible for copyright protection.
- The court ruled in *Apple v. Franklin* that software qualifies as a “literary work.”
- Note that software is a special type of work as it may also include patentable processes which do not fall under copyright protection. Those aspects would be suitable for patent protection.

Eligibility Expansion

- Software is an example of how the list of eligible works has expanded.
- Examples of other items include maps, games, and puzzles, among others.

What is not Copyrightable?

- Just as with patents, a mere idea is not copyrightable.
- The idea must be expressed in a tangible form.
- Example: a screenplay is eligible for copyright, but the idea for a screenplay is not eligible.