

JLSC

ISSN 2162-3309 | JLSC is published by the Pacific University Libraries | <http://jisc-pub.org>

Volume 7, General Issue (2019)

Course Review **CopyrightX**

Jill Cirasella

Cirasella, J. (2019). CopyrightX [Course Review]. *Journal of Librarianship and Scholarly Communication*, 7(General Issue), eP2297. <https://doi.org/10.7710/2162-3309.2297>



© 2019 Cirasella. This open access article is distributed under a Creative Commons Attribution 4.0 License (<https://creativecommons.org/licenses/by/4.0/>)

COURSE REVIEW

CopyrightX

Created by William (Terry) W. Fisher III. Offered by Harvard Law School, the Berkman Klein Center for Internet & Society, and HarvardX. <http://copyx.org/>. Free online course.

CopyrightX (<http://copyx.org/>) is a 12-week course on copyright law that has been taught every spring since 2013. Offered under the auspices of Harvard Law School, the Berkman Klein Center for Internet & Society, and the online learning initiative HarvardX, CopyrightX is delivered in three different ways: (1) as an in-person course for Harvard Law School students, (2) as a free online course taught by Harvard teaching fellows, and (3) as a collection of affiliated courses offered by other universities and organizations, mostly outside the United States.¹ I was a student in an online section of the 2018 iteration of CopyrightX, so this review addresses that version of the syllabus and mode of consumption (“Syllabus for Online Sections 2018,” 2017).

COURSE CONTENT

Each of the course’s 12 weeks is devoted to a different topic: nine weeks to various aspects of copyright law (e.g., authorship, fair use, and remedies) and three weeks to assorted theories of intellectual property (fairness theory, personality theory, welfare theory, and cultural theory). Each week, students are expected to watch a lecture on the topic of the week, complete readings relevant to that topic, and attend a class meeting by webinar.

Each lecture consists of several videos by William (Terry) W. Fisher III, WilmerHale Professor of Intellectual Property Law at Harvard Law School and the creator of CopyrightX. Lectures, which can be watched on YouTube or downloaded, are a combination of talking-

¹ In 2018, one of the affiliated courses was CopyrightX: Libraries, taught online by MIT’s Scholarly Communications and Licensing Librarian Katie Zimmerman expressly for staff of libraries, archives, and museums. I did not take CopyrightX: Libraries and thus cannot comment on it beyond noting that Zimmerman offered an exam preparation session open to all CopyrightX students that was excellent and elucidating. CopyrightX: Libraries is being offered again in 2019.



head shots of Fisher, illustrations of cases under discussion, and traversals through Fisher's detailed concept maps, which are also available online in a variety of formats ("Lectures," 2018; "Maps," n.d.). The lectures focus predominantly on United States copyright law, but some time is given to copyright law in other countries and international copyright treaties. Lectures range in length from one to two hours, but note-taking necessitated frequent pauses, often stretching my viewing time to three hours or more. The lectures are packed with information but also engaging and clear. I often felt like I was watching a well-constructed documentary; only occasionally was I numbed by details.

Most weeks, the readings are judicial opinions from key copyright cases. (Two of the readings are essays by Fisher.) Unsurprisingly, most of the cases involve movies, music, television, books, or art. But not all: two of my favorites deal with telephone directories and computer source code. In general, the opinions are dry reading on the sentence level but build to tell fascinating stories, sometimes with surprising twists. My reading time varied from week to week but averaged three to four hours.

Each online section has a weekly 90-minute webinar, led by that section's teaching fellow but featuring common instructional slide decks. In my section, webinars generally included a review of key points from the lecture and a discussion of the readings, but the bulk of each session was spent on case studies, which were presented by our teaching fellow and then discussed as a group. The case studies, which dealt with creations as disparate as the character Superman, the song "Whiter Shade of Pale" by Procol Harum, and LeBron James's tattoos, were crucial to my learning: I benefited from exposure to additional examples, and my comprehension gelled as I attempted to put my questions and opinions into words. I also learned from my classmates, several of whom were lawyers outside the United States, although attendance shrank over time and some students attended but did not actively participate.

Teaching fellows were not permitted to share the slides they presented during the webinars: anyone who missed class simply did not have access to them, and anyone who could not fully absorb them during class could not spend additional time with them. I imagine this was done to encourage attendance and to privilege those who attended, but I was surprised that a course with Creative Commons–licensed lectures and concept maps so restricted teaching materials.

Course organizers have endeavored to make course materials accessible: readings are available in three formats (Microsoft Word, PDF, and H2O), and not only are lectures closed-captioned on YouTube, the full transcript is available as a single PDF (Fisher, 2018), albeit with some transcription errors. Further, various charts and illustrations from Fisher's lec-

tures are available as PDFs (“Lectures,” 2018), but they do not have text descriptions for students with visual impairments. Many works with audio and/or visual components are shown or played during the lectures and webinars; for the most part, they are also described, in more or less detail. However, deaf or very hard-of-hearing students would require accommodation to gain much from the webinars, which are primarily discussion-based and do not have live transcription. Course organizers welcome those who encounter accessibility challenges or have suggestions to contact them (“Accessibility,” n.d.).

FINAL EXAM

For students in the online sections, the final exam is a series of open-book essay questions that must be completed within 96 hours. In 2018, the exam consisted of three questions: one presenting a complex “fact pattern” and looking for a nuanced analysis of the associated copyright issues, one asking for a discussion of an aspect of copyright law as it is handled in the United States and another jurisdiction, and one requiring application of a theory of intellectual property to a specific dimension of copyright law (“CopyrightX: Final Examination,” 2018).

The first question in particular was both challenging and enjoyable: it involved a slightly fictionalized version of the facts surrounding the book *Marlon Bundo’s A Day in the Life of the Vice President* (Pence & Pence, 2018) and the parodic response *A Day in the Life of Marlon Bundo* (Bundo, Twiss, & Keller, 2018). Previous exams also included well-illustrated and vividly described fact-pattern questions (“Past Exams,” n.d.), so it is safe to assume that future exams will have similarly engaging fact-pattern puzzles—hard but not a slog.

Supposedly, “most students finish the entire exam in eight hours or less” (“Exam Overview and FAQ,” 2018), but I am skeptical of this claim, especially for students who have never taken a law course. It did not take me long to develop a rough sense of how I would answer each question, but it took me many, many hours to put my thoughts into sentences and refer to course materials to make sure those sentences were not legal gibberish. While I almost certainly dwelled and double-checked more than most, I would advise future students to allot considerably more than eight hours to complete the exam. Indeed, I would encourage them to take some time off work if possible and keep other commitments to a minimum during the 96-hour window.

LOGISTICS

There are no educational prerequisites for participating in an online section of CopyrightX—in fact, anyone 13 or older is eligible—but admission is by application and se-

lective. Applicants must submit a brief essay about why they want to take CopyrightX, answer some multiple-choice questions that gauge their mastery of English, indicate their availability for different time slots, and provide some details about their computer setups. Applications are due in early December, acceptances are sent out in early January, and classes (i.e., webinars) begin in late January. The standard webinar platform for the course is Adobe Connect, which can be troublesome; indeed, my section switched to Zoom for accessibility reasons.

Each section meets 12 times—weekly except for a one-week spring break. The course “springs forward” for daylight savings, so there is a mid-course change in meeting time for students in areas that do not observe northern-hemisphere daylight savings time. The final exam is in early May, shortly after the final class session. In the days before the exam, some teaching fellows offer optional exam preparation sessions open to all students. All students may take the exam, but only those who attended at least 10 of the 12 class sessions and pass the final exam receive certificates of completion.

Overall, the course ran efficiently and smoothly, but like anything involving hundreds of humans and multiple technological platforms, it is not immune to problems. My section suffered a major exam snafu: in June, many of us were notified in error that we had failed the exam and had to wait a week for our actual pass/fail statuses. (The first message was alarming, to be sure, but it is hard to get too upset about a mistake in a course offered for free.) For all students, numerical exam grades arrived in August. Those who qualified also received a link to a PDF file of a personalized certificate; printed certificates were not provided.

CONCLUSION

All told, CopyrightX is a gift to the copyright-curious community. Indeed, it was one of my all-time most intellectually stimulating learning experiences. I recommend it wholeheartedly to anyone with the inclination—and the time—to immerse themselves in United States copyright statutes and case law.

The time commitment is significant. I was on sabbatical, so I could afford to take careful notes while I watched the lectures, write marginalia as I read the cases, livestream a few Harvard Law School and Berkman Klein Center events, and devote about a week to exam preparation. I could have spent less time on the course and still learned a lot, but I also could have spent more: I did not engage deeply with the concept maps, course blog, or additional readings assigned to the law school students, and I did not join the WhatsApp group created by a fellow student.

I hope CopyrightX will be offered for years to come, but the lectures and associated materials will continue to be valuable tools for independent study even if it is not (“Self-Paced Study,” n.d.). That said, I strongly encourage those who can take the course to do so instead of attempting independent study: having a teaching fellow, cohort, and weekly webinar enhances the experience immensely. And, of course, a looming exam is a great motivator.

REFERENCES

Accessibility. (n.d.). Retrieved from <http://copyx.org/accessibility/>

Bundo, M., Twiss, J., & Keller, E. G. (2018). *A day in the life of Marlon Bundo*. San Francisco: Chronicle Books.

CopyrightX: Final examination. (2018). Retrieved from http://copyx.org/files/2016/04/CopyrightX_Exam_2018.pdf

Exam overview and FAQ. (2018, February 28). Retrieved from <http://copyx.org/sections/exam/>

Fisher, W. W., III. (2018). *Lecture transcripts based on the lectures of Prof. William W. Fisher III, Harvard Law School*. M. Pelteret (Ed.). Retrieved from http://copyx.org/files/2014/08/CopyrightX_-_Lecture_Transcripts_Book.pdf

Lectures. (2018, January 1). Retrieved from <http://copyx.org/lectures/>

Maps. (n.d.). Retrieved from <http://copyx.org/maps-of-intellectual-property/>

Past exams. (n.d.). Retrieved from <http://copyx.org/sections/past-exams/>

Pence, C., & Pence, K. (2018). *Marlon Bundo's A day in the life of the vice president*. New York: Regnery Publishing.

Self-paced study. (n.d.). Retrieved from <http://copyx.org/self-paced-study/>

Syllabus for online sections 2018. (2017, December 10). Retrieved from <https://web.archive.org/web/20180811201512/http://copyx.org:80/syllabus-for-online-sections-2018/>

BIOGRAPHY

Jill Cirasella is associate professor and Associate Librarian for Scholarly Communication and Digital Scholarship at the Graduate Center of the City University of New York. She earned a CopyrightX certificate in 2018.