

Exhibit D

17.1 COPYRIGHT—DEFINED
(17 U.S.C. § 106)

Copyright is the exclusive right to copy. This right to copy includes the exclusive right[s] to:

(1) [[authorize, or make additional copies, or otherwise] reproduce the copyrighted work in [copies] [phonorecords]];

(2) [[recast, transform, adapt the work, that is] prepare derivative works based upon the copyrighted work];

(3) [distribute [copies] [sound recordings] of the copyrighted work to the public by [sale or other transfer of ownership] [or by [rental *or* lease *or* lending]]];

(4) [perform publicly a copyrighted [literary work,] [musical work,] [dramatic work,] [choreographic work,] [pantomime work,] [motion picture] [or] [specify other audiovisual work]];

(5) [display publicly a copyrighted [literary work,] [musical work,] [dramatic work,] [choreographic work,] [pantomime work,] [pictorial work,] [graphic work,] [sculptural work,] [the individual images of a motion picture] [or] [specify other audiovisual work]]; and

(6) [perform a sound recording by means of digital audio transmission].

It is the owner of a copyright who may exercise [this] [these] exclusive right[s] to copy. The term “owner” includes [the author of the work] [an assignee] [an exclusive licensee]. In general, copyright law protects against [production] [adaptation] [distribution] [performance] [display] of substantially similar copies of the owner’s copyrighted work without the owner’s permission. An owner may enforce the[se] right[s] to exclude others in an action for copyright infringement. [Even though one may acquire a copy of the copyrighted work, the copyright owner retains rights and control of that copy, including uses that may result in additional copies or alterations of the work.]

Comment

This instruction identifies the types of rights involved in the term “copyright.” See *Kalantari v. NITV, Inc.*, 352 F.3d 1202, 1207–08 (9th Cir.2003) (“Upon obtaining a copyright, an author automatically acquires certain rights that are inherent in the very nature of a copyright. Specifically, the copyright owner obtains the six exclusive rights of copyright... as well as the right to transfer any or all of those rights...”) (citation omitted).

There are exceptions to these “exclusive” rights. See, e.g., 17 U.S.C. §§ 107–120. In 17 U.S.C. § 101 various terms used in this instruction are defined, including phonorecords and digital audio transmission. See also 17 U.S.C. § 501 (Infringement).