PUBLICATION UPDATE

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Nimmer on Copyright

Publication 465 Release 122 December 2024

HIGHLIGHTS

- **Release 122** presents over 200 pages of brand new content.

Release 122 is a double release continuing the comprehensive replacement of Chapters 12 and 13. Chapter 13D Part II consists of brand new §§ 13D.10–13D.40 fully covering the concept of Legal Copying with over 230 pages of detailed discussion including 32 new charts. Legal copying, i.e., substantial similarity, is the second of the two subcomponents of an infringement case covered in Chapter 13D. Critical topics such as the history of substantial similarity, fragmented literal similarity, the abstractions test and ordinary observer test are covered in detail, along with the key cases in the Second, Ninth and Eleventh Circuits. The chapter also covers other circuit court tests, summary judgment, the similarity of unprotected matters, similarity in ideas, similarity in licensed expression and merger, among other topics, before turning to scenes a faire, total concept and feel, tests for determining substantial similarity of computer programs and the impermissibility of dispensing with substantial similarity.

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