

LAW 7822: ADVANCED SEMINAR ON COPYRIGHT LAW

REGISTRATION EXERCISE

Prof. Bell
Spring 2015

1. Background Facts

Your client—call him Tomé Sino—has developed a Brazilian jiu-jitsu (BJJ) game.¹ He calls it *Rolar!* (Portugese for "to roll" and a word Brazilians use to start BJJ fights.) Sino wants you to advise him on how to maximize his exclusive rights in *Rolar!* under U.S. copyright law.

A *Rolar!* game includes a deck of cards, a set of rules, and a couple of dice. Each of the two players chooses a gi color, either blue or white, and takes up the accompanying set of cards and die. The players sit side-by-side, with blue on the left and white on the right, and play their cards on the game area—the "mat"—in front of them.

The first *Rolar!* card played forms the base of a long line of cards, each one connected to the other in a winding chain. Sino has designed the cards so that they have magnets along their edges, ensuring that they connect with a neat *click!* during play. This gives the cards the heft and thickness of thin tiles. Play continues until the chain terminates at a submission card or, if score is being kept, after a specified number of moves. "Sort of like dominos," explains Sino with a grin, "But a little more complicated."

The *Rolar!* deck includes two matching sets of 21 cards, one Blue and one White but otherwise identical. Each card in a set corresponds to a BJJ position, identified by a label at its center. (The final version of the game will have illustrations on each card, but Sino plans to add those later and you need not address any copyright issues relating to them.) Smaller labels around the edges of each card indicate which other cards it can connect with. These labels also include information about what color of card can be played there and how easy or hard it is to do so.

Consider Blue's *Tournament Stance* card, reproduced below. The labels *Change*, *Score*, and *Submission* describe the options for transitioning from *Tournament Stance* to another card. Rectangles with words and dots accompany each of those categories of transition, creating a ring around the top edge of the card. The background colors in the boxes indicates what color card can connect there—blue for Blue, white for White, and grey for either Blue or White. On Blue's *Tournament Stance* card, the transition options run clockwise from left: *Submission* (by White); *Score* (by White); *Change* (by either player); *Score* (by Blue); and *Submission* (by Blue). At the base of the card, an unnamed box shows what cards can lead to Blue's *Tournament Stance* being played.

The smaller labels in the transition boxes show what cards can connect along the adjoining edge. Off of Blue's *Tournament Stance* card, White can play any one of a number of submission cards: *Armbar*, *Guillotine Choke*, *Kimura*, *Omoplata*, or *Triangle*

¹ As we discussed in class, I have been working on a similar project as a hobby. The facts offered here differ in certain material ways from those of my pastime, however.

Choke. Continuing around the card clockwise, Blue's *Tournament Stance* card next offers White the *Score* transitions of *Back Mount*, *Full Mount*, *Knee to Belly* or *Takedown*. The gray background of the *Change* transition zone at the top of Blue's *Tournament Stance* card shows that either player can connect any of six cards--*Butterfly Guard*, *Full Guard*, etc.—along that edge. And so it continues around the rest of the card.

The octagonal dots next to the labels around the card's edge show how easy or hard it is to move from that card to the named one. More green dots mean it is easier to do so, no dots mean the odds are neutral, and yellow dots mean it is harder to make the transition. Blue's *Tournament Stance* card, for instance, shows that it is much easier to make the transition to *Full Guard* (which has two green dots) than it is to make the transition to *Omplata* (with four yellow dots). In a *Rolar!* game, the dots tell a player how many points to add or subtract when he attempts a transition, which he does by placing down a card and rolling his die against his opponent's. He makes the transition, and gets to leave his card in place, only if his roll beats his opponent's roll, taking into account any adjustments mandated by the dots.

Sino estimated the odds of making the many possible transitions allowed by the *Rolar!* cards by surveying experienced fighters and applying his own knowledge of BJJ. He then worked out a mathematical system for translating those odds into the green or yellow dots. And, of course, he wrote up a set of rules. He is not sure how much of his labor copyright can cover, but he wants to get as much protection against competition as possible.

2. Assignment

Write a memorandum of five or more pages assessing the copyrightability of *Rolar!* and advising Sino on a registration strategy. In particular, answer these of Sino's questions:

"Can I copyright my game?"

"What should I register?"

"Should I register as a literary work, a graphic design, or something else?"

"Do I have to choose between those categories?"

"What should my registration look like?"

In addition to answering Sino's questions, you should address other legal or practical points that you think would help to promote your client's interests. Even if you conclude that Sino has absolutely no hope in ultimately defending the copyrightability of *Rolar!* you should choose the *most appropriate* registration category (or, if you prefer, *least inappropriate*) for his work and fill out a draft registration form for him to review.

You can find the full panoply of registration forms, together with instructions for their completion, at the United States Copyright Office's web site, <http://www.copyright.gov/forms/>. You can make up an addressee for Sino (and for yourself if you sign as his agent). Assume he is American by birth and 30 years old.

Although as usual you should write the memorandum so it will be understandable to your client, avoiding legalese and extended citations, you may want to show the depth of your understanding by including footnotes written for me. Please note that this is not

the typical format for a memo. You can adopt it here, though, due to the dual nature of your project: both a mock memo for an imaginary client and a document showing your knowledge of the law of copyright.

This project will count for 20% of the grade you receive for the written work that you prepare for this course. Please do not sign your memorandum or registration form, or add other personally identifying information. Instead, write your exam number on the first page of your memorandum and use it or a pseudonym to identify yourself on the registration form, if necessary.

3. Deadline

Before or at the beginning of our class scheduled for Monday, February 9, you should hand in to Professor Bell or his secretary your memorandum and draft registration form. Please be prepared to discuss your work during that class.

