

Copyright Fair Use and Elections

- 1. Which U.S. constitutional provision gives Congress the power to protect intellectual property?**
 - a) The First Amendment
 - b) The Commerce Clause
 - c) Article I, Section 8
 - d) The Tenth Amendment
- 2. Which of the following songs did Franklin D. Roosevelt use in his 1932 campaign?**
 - a) “Born in the U.S.A.”
 - b) “Don’t Stop”
 - c) “Happy Days Are Here Again”
 - d) “I’m Just Wild About Harry”
- 3. What is the most common issue that arises when political campaigns use popular songs?**
 - a) The songs are often out of copyright.
 - b) Campaigns frequently do not request permission to use the songs.
 - c) Songs are usually modified without permission.
 - d) Campaigns often create new songs to avoid copyright issues.
- 4. Which U.S. Circuit Court has treated fair use as an express right since 2015?**
 - a) The First Circuit
 - b) The Ninth Circuit
 - c) The Second Circuit
 - d) The Fourth Circuit
- 5. Which factor is typically weighed against fair use when a campaign uses a song?**
 - a) Purpose and character of the use.
 - b) Nature of the copyrighted work.
 - c) Amount and substantiality of the portion used.
 - d) Effect on the value of the work.
- 6. In the case of *Grant v. Trump*, what percentage of the ad’s runtime was soundtracked to the song “Electric Avenue”?**
 - a) 50 percent
 - b) 75 percent
 - c) 90 percent
 - d) 100 percent
- 7. What was the Trump campaign’s main defense in the *Grant v. Trump* case?**
 - a) The use was transformative.
 - b) They had obtained a license.
 - c) The song was in the public domain.
 - d) The song was not used at all.
- 8. Which factor did the court find in favor of Grant in the *Grant v. Trump* case?**
 - a) Purpose and character of the use.
 - b) Nature of the copyrighted work.
 - c) Amount and substantiality of the portion used.
 - d) All of the above.
- 9. Which of the following is NOT one of the four factors considered in the fair use test?**
 - a) Nature of the copyrighted work.
 - b) Purpose and character of the use.
 - c) Length of the original work.
 - d) Effect on the value of the work.
- 10. In which court was the *Grant v. Trump* case filed?**
 - a) The Ninth Circuit Court
 - b) The Southern District of New York
 - c) The Supreme Court
 - d) The Northern District of California

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