**ANNOTATIONS AND COMMENTS**

No author may copyright facts or ideas. The copyright is limited to those aspects of the work that display the stamp of the author’s originality. *See* 17 U.S.C. § 102 (“In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.”); *Feist Publications, Inc. v. Rural Tel. Serv. Co., Inc.*, 499 U.S. 340, 349-50, 111 S. Ct. 1282, 1290, 113 L. Ed. 2d 358 (1991) (citing *Harper & Row Publishers, Inc. v. Nation Enters.*, 471 U.S. 539, 547-548, 105 S. Ct. 2218, 2223-24, 85 L. Ed. 2d 588 (1985)).

The example of Herman Melville’s *Moby-Dick* is for the purpose of illustration only. That novel is in the public domain. *See BUC Int’l Corp. v. Int’l Yacht Council Ltd*., 489 F.3d 1129, 1143 (11th Cir. 2007) (utilizing *Moby-Dick* in order to illustrate idea-expression dichotomy).

In addition to the statute and precedents discussed above, this charge is drawn from the American Bar Association, Section of Litigation’s Model Jury Instructions, Copyright, Trademark, and Trade Dress Litigation. *See* Model Jury Instructions, Copyright, Trademark and Trade Dress Litigation §§ 1.4.2, 1.4.3, 1.4.4 (Todd S. Holbrook and Alan Nathan Harris eds., American Bar Association Section of Litigation, 2008).