**9.9: Copyright – Validity – Compilations and Collective Works**

[Name of plaintiff] claims that [his/her/its] work is a compilation and that [his/her/its] selection, arrangement, and coordination of preexisting materials, rather than the materials themselves, are protectable.

The selection, arrangement, and coordination of preexisting materials or data in a compilation or collective work does not possess the required degree of creativity for copyright protection if that arrangement or coordination of pre-existing materials is typical, commonplace, or expected as a matter of course.

For example, the arrangement of last names in a telephone directory in alphabetical order isn’t creative. Similarly, the arrangement of a business telephone directory in an alphabetized list of business types, with individual businesses listed in alphabetical order under the applicable headings, isn’t original.

**Special Interrogatories to the Jury**

**Do you find from a preponderance of the evidence:**

 That the selection, arrangement, and coordination of the preexisting materials or data comprising the claimed compilation or collective work was independently created by its author – not copied from another work?

Answer Yes or No \_\_\_\_\_\_\_\_\_\_\_\_\_

If your answer to this question is “Yes,” answer the next question.

 The selection, arrangement, and coordination of the preexisting materials or data comprising the claimed compilation or collective work possesses at least some minimal degree of creativity?

Answer Yes or No \_\_\_\_\_\_\_\_\_\_\_\_\_

If your answer to either of these questions is “No,” don’t continue with your analysis of [name of plaintiff]’s infringement claim.