Courts have been confused about whether a photograph of a sculpture is a derivative work of the sculpture or merely a reproduction, with its copyrightable creativity present somewhere other than its representation of the sculpture. That is, the creativity in a photograph of a sculpture comes from the photographer’s choices with respect to lens, angle, timing, and so on, rather than from transforming, recasting, or adapting the sculpture, and arguably only the latter would qualify the photograph as a derivative work of the sculpture. The most common answer is thus that a photograph of the three-dimensional work is not a derivative work, but rather has a standalone copyright (and perhaps is also a reproduction of the three-dimensional work). But in other areas of copyright, our intuitions are completely different, as with termination rights with respect to preexisting works, such as songs, incorporated into a motion picture. This paper will explore some of the conceptual puzzles of derivative works.