CopyrightX Lecture 6: The Mechanics of Copyright

Selected Illustrations

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The following images appear in the background of sixth lecture in the CopyrightX lecture series. A recording of the lecture itself is available at http://copyx.org/lectures/. Removed from their original context, the images will not make much sense. The function of this collection of images is to enable persons who have already watched the lecture to review the material it contains.

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# Copyright Formalities (for U.S. works)

<table>
<thead>
<tr>
<th>Published 1909-1977</th>
<th>Published 1978-1989</th>
<th>Published 1989-</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Notice</strong> mandatory upon publication</td>
<td><strong>Notice</strong> mandatory within 5 years of publication</td>
<td><strong>Notice</strong> optional, but may affect statutory damages</td>
</tr>
<tr>
<td><strong>Registration</strong> prerequisite for infringement suit; mandatory for renewal</td>
<td><strong>Registration</strong> application prerequisite for infringement suit; necessary for statutory damages &amp; atty fees</td>
<td><strong>Registration</strong> application prerequisite for infringement suit involving US works; necessary for statutory damages &amp; atty fees</td>
</tr>
<tr>
<td><strong>Deposit</strong> with LOC; failure punished with forfeiture &amp; fines</td>
<td><strong>Deposit</strong> with LOC; failure punished with fines</td>
<td><strong>Deposit</strong> with LOC; failure punished with fines</td>
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</tbody>
</table>
Copyright Registrations (excluding renewals), 1910-2000

Rate of Copyright Renewals, 1910-2000

Creative Commons

- Creation
- Federal Copyright Protection
  - Life + 70 yrs
  - Public Domain
- Publication
1909 Regime

Can be exercised by:
1. Author
2. Surviving spouse or children
3. Author’s executor
4. Author’s next of kin

Creation

1-year renewal application window

Common-law

Copyright Protection

Federal Copyright Protection

28 yrs

Public Domain

Publication

Renewal

Break in continuity of title

“new estate”
Since 1909: Several Extensions of Renewal Right

- Common-law Copyright Protection
- Publication
- Federal Copyright Protection
  - Renewal
    - 28 yrs
    - 67 yrs
- Public Domain
- © Creation
Duration of Works Published before 1923

- **Creation**
- **Publication**
- **Copyright Protection**
- **Common-law Copyright Protection**
- **Federal Copyright Protection**
- **Renewal**
  - 28 yrs
  - 47 yrs

“fell” out of copyright before CTEA could rescue them.
Duration of Works Published 1923-1963

Can be exercised by:
1. Author
2. Surviving spouse or children
3. Author’s executor
4. Author’s next of kin

1-year renewal application window

Federal Copyright Protection

28 yrs

67 yrs

Public Domain
Duration of Works Published 1964-1977

- **Publication**
  - Common-law Copyright Protection
  - Federal Copyright Protection
    - 28 yrs
  - Public Domain
    - 67 yrs
  - Will begin to fall out of copyright in 2059

- **Renewal**
  - Voluntary renewal still encouraged by:
    - Presumption of validity of renewal copyright;
    - Assignee of author’s expectancy interest who voluntarily renews prevails if author dies in 28th year

- **Beneficiaries of automatic renewal remain**:
  1. Author
  2. Surviving spouse or children
  3. Author’s executor
  4. Author’s next of kin
Duration of Works created but not published before 1978

- Federal Copyright Protection
- Life + 70 yrs
- Or 12/31/2002 (whichever is later)

1978 → Public Domain
Duration of Works
created but not published before 1978

Creation

Federal Copyright Protection

1978

Life + 70 yrs
Or 12/31/2047
(whichever is later)

Public Domain

Publication by 12/31/2002

Strong incentive for heirs of long dead authors to publish their works
Duration of Works Created in 1978 or later

- **Creation**
- **Federal Copyright Protection**
- **Publication**
- **Public Domain**
- **Life + 70 yrs**
- **2048 at the earliest**
Duration of Works Created in 1978 or later

For anonymous works, pseudonymous works, and works for hire

Creation

120 yrs

Federal Copyright Protection

95 yrs

Public Domain

2073 at the earliest

Publication
Fred Fisher Music v. M. Witmark & Sons

Creation

Common-law

Copyright

Protection

Publication

Public Domain

Witmark

Fred Fisher

Graff

1912

1917

1939

28 yrs

28 yrs

©
Works Created in 1978 or later

§203 Termination Rules

Who can terminate:
1. Author
2. Spouse/children/descendants (per stirpes)
3. Author’s executor

Terminated rights pass to persons entitled to terminate on date of original notice

Creation

Federal Copyright Protection

Publication

Public Domain

Life + 70 yrs

2-10 yrs

35 yrs

5 yrs

inter vivos transfer by author

nonwaivable
Works Published 1964-1977

§203 Termination Rules – apply if transfer made after 1978
Works Published 1964-1977

§304 Termination Rules
– apply if transfer made before 1978

Creation

Common-law

Copyright Protection

Publication

Copyright Protection

Federal Copyright Protection

Renewal

Inter vivos transfer by author

56 yrs

28 yrs

67 yrs

Public Domain

2-10 yrs

2-10 yrs

75 yrs

10/27/1998

By and for statutory beneficiaries

nonwaivable

Creation

Common-law

Copyright Protection

Publication

Federal Copyright Protection

Renewal

Inter vivos transfer by author

56 yrs

28 yrs

67 yrs

Public Domain

2-10 yrs

2-10 yrs

75 yrs

10/27/1998

By and for statutory beneficiaries

nonwaivable
Works Published 1923-1963

§203 Termination Rules – apply if transfer made in 1978 or later

- Common-law Copyright Protection
- Federal Copyright Protection
- Publication
- Renovation

Creation

28 yrs

35 yrs

5 yrs

2-10 yrs

©

Public Domain
Works Published 1923-1963

§304 Termination Rules – apply if transfer made before 1978

Common-law Copyright Protection

Publication

Renewal

Federal Copyright Protection

© Creation

Inter vivos transfer by author

2-10 yrs

2-10 yrs

5 yrs

75 yrs

5 yrs

By and for statutory beneficiaries

nonwaivable

By and for statutory beneficiaries

Publication

28 yrs

67 yrs

56 yrs

2-10 yrs

5 yrs

75 yrs

By and for statutory beneficiaries