



Class 24: Duration

Duration

The Rules

General Rules

NOT responsible for pre-1976 Act rules.

BUT: Might be useful for policy questions?

Pre-1976

- Duration measured from publication with notice
- Two limited terms
- Renewal requirements
- 1909 \curvearrowright 28 + 28 = 56 total
- From 1962 to 1978: 9 Extensions

1976 and CTEA

- Duration measured from fixation in a tangible medium
- Life Plus 70 for individual or joint authors (for joint, life of last to die)
- For anonymous, pseudonymous, or works for hire: 95 from publication or 120 from creation (which ever shorter)
- Older works are grandfathered in, but in different ways depending on how old and based on whether renewal procedures had been followed.

Why the Switch in '76 to "Life Plus [50/70]"?

Leg History (315)

CTEA and Eldred

- Why the push to Life + 70?
- Larry Lessig led team who challenged Constitutionality of CTEA, all the way to Supreme Court
- Ginsburg (7 vote maj)
- Stevens
- Breyer
- Perpetual Copr? ⊕

- Lower Courts
- Issue
- Best arguments

What should role of Constitution's Copyright Clause be in constraining Congress?