

Class 6: Duration and Termination of Transfers

Administrative



Next Time:

FORMALITIES

Originally assigned Mon, April 19
139-53; 741-44; sections 401,
408(a) and (b); 411-12

News Wednesdays

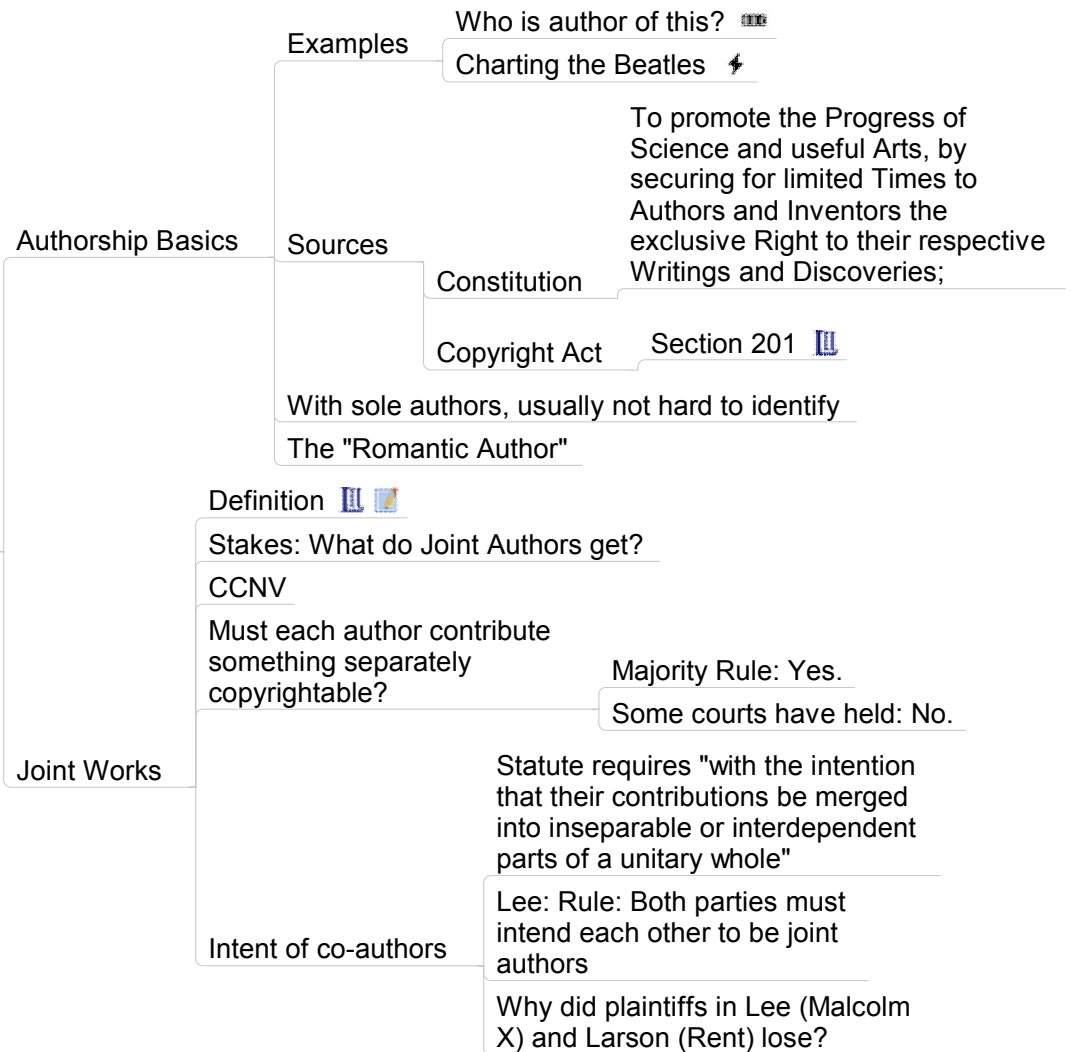
Two Superbowl Stories

Saints Trademarks 
17 USC 110(5)(B)(i)(II) 

Class 6: Duration and Termination of Transfers

Last Time

Who is an Author?



Definition 📖

Stakes: What changes when something declared a work-for-hire?



"Employee"

CCNV v. Reid

Basic Facts

In support of CCNV

In support of Reid

Oddity in the case

Held

Reasoning

"Scope of his or her employment"

101(2): Specially Ordered or Commissioned works

Last Time

Works for Hire

Class 6: Duration and Termination of Transfers

Class 6: Duration and Termination of Transfers

Duration

The Rules

General Rules

NOT responsible for pre-1976 Act rules.

Works created on or after 1/1/1978

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 (whichever shorter)

Pre 76-Act, duration was measured from time of publication (next time)

Works first published before 1/1/1978

General rule: 95 years from date of publication

28 year term

+ 67 if it was renewed

It's a Wonderful Life (1946), not renewed.

28 original renewal

+ 19 extension (76 Act)

+ 20 extension (CTEA)

Reflecting fact that renewal was eliminated in 1992

OR +67 if after 1964

BUT: Odd twilight zone of works that expired post 76 Act (19 year extension) but pre-CTEA

Would've been extended

But Congress couldn't (wouldn't) revive these.

So, ANYTHING pre-1923 has expired.

Works created but unpublished before 1/1/1978

Class 6: Duration and Termination of Transfers

Duration

Eldred

Facts

Testing Constitutionality of CTEA Added 20 years to time limits to copyrights

One explanation for the law: 1928
Steamboat Willie Set to expire in 2003
Disney testified

Quotes to Congress page 166
Mary Bono (widow of Sonny's):
wanted protection to last forever
Quincy Jones

Strategic choice faced by plaintiffs: Challenge extension as applies to all works, currently existing or yet to be created
OR Challenge extension only as applies to currently existing works that had seen their durations extended?

Held

Congressional Power under Copyright Clause

Deference owed to Congress?

Issues:

Violation of the bargain

Effect on Incentives?

First Amendment

Class 6: Duration and Termination of Transfers

