Copyright Law

Slides 8: Copyright Formalities and Duration

LAWS 7301-001
Prof. Kristelia García
Class Outline

• Formalities
  • Publication
  • Notice
  • Registration
  • Deposit
• CTEA
• Duration
Categories of Works for Formality Analysis

- Pre-76 works (all works published before Jan. 1, 1978 follow the 1909 Act rules)
- 76 Act works/pre-Berne (all works fixed on or after Jan. 1, 1978 but before US accession to the Berne Convention on Mar. 1, 1989) and all works fixed but unpublished before Jan. 1, 1978)
- Post-Berne works (all works fixed on or after March 1, 1989)
Section 101 on “publication”:

“the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication.”
“The Congress shall have Power ... To promote the Progress of Science and the useful Arts, by securing **for limited Times** to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”
“My copyrights produce to me annually a good deal more money than I have any use for. But those children of mine have use for that. I can take care of myself as long as I live. I know half a dozen trades, and I can invent a half a dozen more. I can get along. But I like the fifty years' extension, because that benefits my two daughters, who are not as competent to earn a living as I am, because I have carefully raised them as young ladies, who don't know anything and can't do anything. So I hope Congress will extend to them that charity which they have failed to get from me.”
Movies - avg. theatrical lifespan of 10 weeks; within 6 months, a typical movie has earned pretty much everything it’s going to make at the box office; another 4-6 months for home video; by month 9 following theatrical release most movies make it to premium cable; regular cable around month 24. Sequels, where there will be any, come within 5 years.

TV - most TV series lose 1/3 of their value in the first year, and depreciate at roughly 11.4% per year after that.

Music - Most songs lose 65% of their value in the first year following release, and have exhausted the majority of their earnings potential within 5 years from the date of release, reflecting a depreciation rate of 26.7% per year.

Books - Finally, the most successful books earn most of their revenue in the first 3 years, with an annual depreciation rate of 12%.
SUPERMAN IS PATROLLING THE CITY, WHEN HE HEARS A HIGH-PITCHED PLEA!

THAT CRY CAME FROM THIS BUILDING...

WHO'S THERE?

HA-HA! WELCOME TO MY DOMAIN, SUPERMAN!

MY PUBLIC DOMAIN, WHERE I AM YOUR MASTER!

THAT'S BECAUSE WHEN CONGRESS'S ENDLESS EXTENSIONS OF COPYRIGHT TERMS ARE DECLARED UNCONSTITUTIONAL, YOU'LL ALL BE MY--OR ANYONE'S--HELPLESS PLAYTHINGS!

COPYRIGHT... FADING! CAN'T... RESIST UNAUTHORIZED USE!

IF HE CAN CAPTURE SUPERMAN, WHO CAN SAVE US?!

AND NOW I'LL FORCE YOU ALL TO PERFORM "GONE WITH THE WIND"!

OH... ASHLEY...

OH NO! JUDGE SCALIA!!

JUDGE SCALIA, CRUSADING SUPREME COURT JUSTICE, WHO FIGHTS A NEVER-ENDING BATTLE TO PROTECT THE POWERFUL AND WEALTHY

GO! RUN BACK TO YOUR CORPORATIONS!

B--BUT YOU MUST AGREE THAT THE CONSTITUTION PLAINLY LIMITS CONGRESS'S POWER... URK

FRANKLY, PUNK, I DON'T GIVE A DAMN!
17 USC Section 104A:

(a) Automatic Protection and Term.—
(1) Term.—

(A) Copyright subsists, in accordance with this section, in restored works, and vests automatically on the date of restoration.

(B) Any work in which copyright is restored under this section shall subsist for the remainder of the term of copyright that the work would have otherwise been granted in the United States if the work never entered the public domain in the United States.