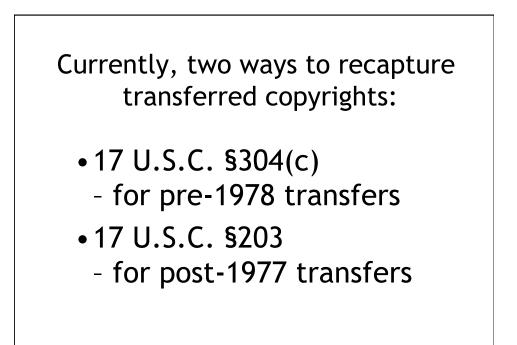


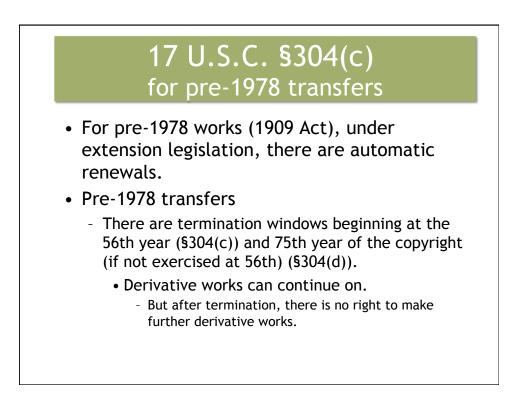
#### Reversions under the 1909 Act:

- The initial term was 28 years.
- Copyrights had to be renewed at 28 years, or the work entered the public domain.
- During the initial term, authors could only transfer rights for the duration of that term.
- Policy was to give authors a second chance to make money from new leverage after works became successful.
- Policy thwarted by *Fred Fisher Music* (1943): Original-term authors could bind themselves ahead of time to renew in favor of grantee. This became standard.
- Dead authors exception: Original-term authors could not bind heirs to renew in favor of grantees.
- Derivative works problems: Stewart v. Abend (1990).



# 17 U.S.C. §304(c) for pre-1978 transfers

- Copyright extension legislation tacks years on to the end of existing copyrights
- The idea of \$304(c) is to give the benefit of those extension to the authors, rather than give a windfall to assignees



#### 17 U.S.C. §203 for post-1977 transfers

• The idea of §203 is to give the artists who signed away copyrights back when they had no bargaining leverage a second chance to get a better deal.

#### 17 U.S.C. §203 for post-1977 transfers

- The first transfer window is opening up on January 1, 2013.
- §203 may impact many contemporary works.

#### 17 U.S.C. §203 for post-1977 transfers

- The grant must have been executed by the author to be terminable. (\$203(a))
- (Note that this is in accord with the policy premise — to benefit authors who originally sold copyrights with little bargaining leverage.)

## 17 U.S.C. §203 for post-1977 transfers Must serve notice between 10 and 2 years in advance of the effective date of the termination (Note the complicated arithmetic, need for complex docksting, and possible

• (Note the complicated arithmetic, need for complex docketing, and possible malpractice trap.)

### 17 U.S.C. §203 for post-1977 transfers

- Derivative works may continue to be utilized under the terms of their original grants after termination. But this does not apply to the making of new derivative works.
  - So a transferee can sell DVDs, e.g.
  - But the transferee can't make sequels after termination