

Announcement

from the Copyright Office, Library of Congress, Washington, D.C. 20559

DURATION OF COPYRIGHT UNDER NEW LAW

The copyright law (Title 17 of the U. S. Code) has been amended by the enactment of a statute for its general revision. The new enactment, Public Law 94-553, was signed by the President on October 19, 1976. The following is a general summary of the provisions of the new statute dealing with duration of copyright. For detailed information, write to the Copyright Office.

Works Already Under Statutory Copyright Protection. For works already under statutory protection, the new law retains the present term of copyright of 28 years from first publication (or from registration in some cases), renewable by certain persons for a second period of protection, but it increases the length of the second period to 47 years. The maximum total term of copyright protection for works already protected by the Federal statute is increased from 56 years (a first term of 28 years plus a renewal term of 28 years) to 75 years (a first term of 28 years plus a renewal term of 47 years).

The specific situation for such works depends on whether the copyright is in its first term or has already been renewed when the new law comes into effect:

- Copyrights in their first term on January 1, 1978. Copyrights in their first term on January 1, 1978, will still have to be renewed during the last (28th) year of the original copyright term to receive the maximum statutory duration. If a valid renewal registration is made at the proper time, the second term will last for 47 years (19 years longer than the present 28-year renewal term).

- Copyrights in their second term between December 31, 1976 and December 31, 1977.* Copyrights that have already been renewed and are in their second term at any time between December 31, 1976, and December 31, 1977, inclusive, do not need to be renewed again. They are automatically extended to last for a total term of 75 years from the date they were originally secured.

NOTE: This extension applies not only to copyrights less than 56 years old, but also to older copyrights that have previously been extended in duration under a series of Congressional enactments beginning in 1962. As in the case of all other copyrights subsisting in their second term between December 31, 1976, and December 31, 1977, these copyrights will expire at the end of the calendar year in which the 75th anniversary of the original date of copyright occurs.

Works Created on or After January 1, 1978. For works created on or after January 1, 1978, the new law provides a term lasting for the author's life, plus an additional 50 years after the author's death. For works made for hire, and for anonymous and pseudonymous works, the new term will be 75 years from publication or 100 years from creation, whichever is shorter.

Works in Existence but not Copyrighted on January 1, 1978. For unpublished works that are already in existence on January 1, 1978, but that are not protected by statutory copyright and have not yet gone into the public domain, the new Act will generally provide automatic federal copyright protection for the same life-plus-50 or 75/100-year terms provided for new works.

*A special situation arises where a first-term copyright becomes eligible for renewal during the calendar year 1977. If renewal registration is made before January 1, 1978, the duration of the copyright is extended to the full period of 75 years without the need for a further renewal. If renewal registration has not been made by January 1, 1978, renewal for the second 47-year term can be made under the new law at any time between January 1, 1978, and December 31, 1978.

However, all works in this category are guaranteed at least 25 years of statutory protection; the law specifies that in no case will copyright in a work of this sort expire before December 31, 2002, and if the work is published before that date the term is extended by another 25 years, through the end of 2027.

PLEASE NOTE THE FOLLOWING POINTS:

- Copyrights in their first term on January 1, 1978 must still be renewed; if not they expire at the end of 28 years from the date they were secured.
- Copyrights in their second term on January 1, 1978, are automatically extended up to a maximum of 75 years, without the need for further renewal.
- Works already in the public domain cannot be protected under the new law. The Act provides no procedure for restoring protection for works in which copyright has been lost for any reason.
- The new law provides that all terms of copyright will run through the end of the calendar year in which they would otherwise expire. This will not only affect the duration of copyrights, but also the time-limits for renewal registrations.

Termination of Grants. For works already under statutory copyright protection on January 1, 1978, the new Act contains special provisions allowing an author, or specified heirs of the author, to file a notice terminating any grant of rights made by the author and covering any part of the period (usually 19 years) that has now been added to the end of the renewal copyright. This right to reclaim ownership of all or part of the extended term is optional; it can be exercised only by certain specified persons in accordance with prescribed conditions and within strict time limits.

With respect to copyrights that are nearly 56 years old, or that are already older than 56 years, the option of serving an advance notice of termination is already a possibility, and the Register of Copyrights is preparing regulations for this purpose.

Copies of the new statute are available free of charge by writing to the Copyright Office, Library of Congress, Washington, D. C. 20559. You may also have your name added to the Copyright Office Mailing List by sending us a written request.