G2: Who Owns This? 
Researching Copyright Status and Ownership

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Presenters

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Ropes & Gray LLP
Takeaways

• Identify the owners of registered copyrights.
• Summarize how copyrights are created, registered, and documented.
• Checklist of sources and workflow for research copyright ownership.
Introduction

• Copyright affects how we can use creative works
• If your use is not covered by an exception (fair use, Section 108), you need to know if a work is still protected, or who holds the copyright
Happy Birthday!

• Lyrics to Happy Birthday = public domain.


https://www.flickr.com/photos/darkdwarf/8350702439/
CC BY-ND

#AALL16
Digitization

- Copyright Review Management System checked 600K works, found 320K were public domain.
Definitions

• Copyright: A form of protection provided by the laws of the United States for "original works of authorship."

• Includes literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations.
Definitions

• Copyright protection does not extend to any idea, procedure, process, system, title, principle, or discovery.
• "Copyright" literally means the right to copy but has come to mean that body of exclusive rights granted by law to copyright owners for protection of their work.
• Names, titles, slogans cannot be copyrighted.
Definitions

• Copyright Notice: The copyright notice consists of three elements. They are the "c" in a circle (©), the year of first publication, and the name of the copyright owner.

• Copyright Renewals: Previously, copyrights required renewals to be kept in good standing.
17 USC 106 dictates Exclusive Rights. Subject to sections 107 through 122, the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

• (1) to reproduce the copyrighted work in copies or phonorecords;
• (2) to prepare derivative works based upon the copyrighted work;
• (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
Exclusive Rights, Continued

• (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;

• (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and

• (6) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.
Copyright Legislation Affecting Duration

- Copyright Act of 1909
- Copyright Act of 1976
- Berne Convention (1988)
- Copyright Renewal Act of 1992
- Copyright Term Extension Act (1998)
Copyright Act of 1909

• Per the 1909 legislation, copyright duration was 28 years from the date of first publication, plus an extra 28 years if it was renewed.

• Registration, renewals, and copyright notices were required.

• Works became part of the public domain if a renewal effort was not made.
Copyright Act of 1909

- Works created while the 1909 Act was in place, but were never registered or had the symbol, were protected by common law copyright protections.
- Currently, these works are in the public domain.
- Fun legislative history fact: Music!
Copyright Act of 1976

• Existing copyright: the 1976 law changed copyright renewal terms from 28 to 47 years, which allowed for a total of 75 years.

• New copyrights: terms were life of the author + 50 years.

• For the first time, official copyright protections were extended to unpublished works

• Section 108
Renewals Before 1978

- With this piece of legislation, checking for renewals became more important.
- Works published or registered before 1950, but renewed before 1978 – given a longer term.
- Works published or registered between 1950 and 1963 – it not renewed for a second term, these fell into the public domain.
- Works published or registered between 1964-1977, eligible for renewal, were automatically renewed.
Joint Ownership/ Work for Hire

- Under 302(b), joint works by two authors means that the copyright endured for the life of the last surviving author + 50 years.
- Under 101, work for hire duration is 120 years from their creation or 95 years after their first publication – whichever expires first.
- Pseudonym, the term is 95 years from first publication, or 120 years from creation. Whichever expires first.
- Transferring the copyright has no impact on the term of the copyright, (17 USC 302(b))
Berne Convention

- WIPO
- Berne Convention allows a copyright term for life of the author + 50 years
- United States signed in 1988, effective in 1989
- No copyright symbol needed
Copyright Renewal Act of 1992

- Added an additional 20 years to copyrights secured between 1964-1977.
- New copyright term = 95 years
Copyright Term Extension Act

• Sonny Bono/Mickey Mouse Act
• 1998
• This lengthened the existing copyright term for another 20 years.
• This brings us to our modern copyright term of life of the author + 70 years.
Copyright Restoration for Foreign Works

- Under the provisions of the Uruguay Round Agreements Act (URAA), certain foreign works whose U.S. copyright protection had been lost because of noncompliance with formalities of U.S. law, were restored as of January 1, 1996. Among the informalities subject to restoration is failure to renew. Restoration occurs automatically, and the duration of the restored term is based on the term of protection the work would have had without the informality.
Helpful Tools

Is it Protected by Copyright?
For works first published in the U.S.A.*

Directions:
- Set arrow at correct date
- Read information in windows
- Mouse-over any [notes] or asterisks (*) for clarifying information

Copyright Status/Term
- Protected through 2018 or longer (95 years from publication) [see note]

Date of First Publication
- Before 1923
- After 1922 & Before 1978
- If published without @ notice
- After 1922 & Before 1964
- If published with @ notice, but not renewed after 28 years
- After 1922 & Before 1964
- If published with @ notice & renewed after 28 years
- After 1963 & Before 1978
- If published with @ notice
- After 1977 & Before 2003
- After 1977 & Before March 1, 1989
- If published without @ notice & without subsequent registration
- After 1977 & Before March 1, 1989
- If published without @ notice but registered within 5 years; or published with @ notice
- Published after 2002
- Created before 1978 and author died more than 70 years ago

Unpublished Works
(date of creation)
- Created by Individual or Joint Authors
- Created under Corporate Authorship

*2012 Michael Brewer & ALA Office for Information Technology Policy

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Helpful Tools

• Copyright Office
• Google Books has records older than 1978 digitized
• When searching for copyright records, it’s good to use a span of years
Exercise: Copyright Duration

• Questions to ask:
  • What is the date of the first publication?
  • Is there a copyright symbol?
  • Is there a record for this in the Copyright Office?
  • Are there any renewals on this record?
Breakfast of Champions

- Copyright Notice Symbol?
- Is there a year?
- Who does it belong to?
- Library of Congress Record?
Breakfast of Champions
Breakfast of Champions

• Under copyright?
• Yes
• Duration?
• 95 years from 1973
• 2068
Example 2: Sunset Cookbook

- Copyright Symbol?
- Is there a year?
- What do you need to check if this is under copyright?
Public Catalog

Copyright Catalog (1978 to present)
Search Request: Left Anchored Title = sunset
Search Results: Displaying 18 of 25 entries

Type of Work: Text
Registration Number / Date: RE0000393639 / 1988-09-06
Renewal registration for: A00000473494 / 1960-10-21
Copyright Claimant: Lane Publishing Company (PWH)
Variant title: The Sunset cook book.
Names: Sunset Books
Sunset Magazine
Lane Publishing Company
Sunset Cookbook

• Renewals!
• What is the duration?
• Protected 95 years from publication
• 2055
Right Ho, Jeeves

• No copyright symbol
• No date
• ISBN number
• What do you check to see if this is under copyright?
### Full Title

<table>
<thead>
<tr>
<th>Title</th>
<th>Date</th>
<th>Copyright Number</th>
</tr>
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<tbody>
<tr>
<td>Right Ho, Jeeves</td>
<td>1990</td>
<td>V2558P221</td>
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<tr>
<td>Right Ho, Jeeves / by P. G. Wodehouse</td>
<td>1988</td>
<td>SR0000092830</td>
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<tr>
<td>Right Ho, Jeeves</td>
<td>2010</td>
<td>V3598D105</td>
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<td>Right Ho, Jeeves / by P. G. Wodehouse</td>
<td>2009</td>
<td>V3575D700</td>
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Right Ho, Jeeves

Right Ho, Jeeves by P. G. Wodehouse

Download This eBook

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Registration, Renewal and Recordation

- Registration—initial record of a copyright claim.
- Renewal—obtaining additional term of protection
- Recordation—public record of rights transfer
Copyright Catalog
| Type of Work: | Text |
| Registration Number / Date: | TX0007586207 / 2012-09-04 |
| Application Title: | HAVANA REQUIEM: A Legal Thriller. |
| Title: | HAVANA REQUIEM: A Legal Thriller. |
| Description: | Book. 308 p. |
| Copyright Claimant: | Paul Goldstein. Address: c/o Farrar, Straus and Giroux, LLC, 18 West 18th Street, New York, NY, 10011. |
| Date of Creation: | 2011 |
| Date of Publication: | 2012-05-08 |
| Nation of First Publication: | United States |
| Rights and Permissions: | Victoria Fox, Farrar, Straus and Giroux, LLC, rights@fsgbooks.com |
| Names: | Goldstein, Paul |
# Catalog of Copyright Entries

<table>
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<tr>
<th>Corporate Author:</th>
<th>Library of Congress</th>
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<tbody>
<tr>
<td>Language(s):</td>
<td>English</td>
</tr>
<tr>
<td>Published:</td>
<td>Washington, U.S. Govt. Print. Off., 1891-</td>
</tr>
<tr>
<td>Subjects:</td>
<td>Art museums (\rightarrow) United States, Map (\rightarrow) Bibliography, American periodicals (\rightarrow) Bibliography, American drama (\rightarrow) Bibliography, Motion pictures (\rightarrow) Bibliography, Music (\rightarrow) United States (\rightarrow) Bibliography, American literature (\rightarrow) Bibliography</td>
</tr>
<tr>
<td>Note:</td>
<td>Issued by the Treasury department from 1891 to June, 1906, from July 1906 by the Copyright office, as &quot;New series, volume 1-&quot;. In four parts: 1. Books; dramatic compositions, maps and charts. 2. Periodicals. 3. Musical compositions. 4. Works of art; reproductions of a work of art; drawings or plastic works of a scientific or technical character; photographs, prints and pictorial illustrations.</td>
</tr>
<tr>
<td>Physical Description:</td>
<td>v. 25-30 cm.</td>
</tr>
<tr>
<td>Locate a Print Version:</td>
<td><em>Find in a library</em></td>
</tr>
</tbody>
</table>

| Viewability: | Full view ser 4 pt 3 v 1 no 3 p 1-1098 1978 Performing Arts (original from University of Michigan) |
|             | Full view ser 4 pt 3 v 1 no 3 p 1099-1551 1978 Performing Arts (original from University of Michigan) |
Catalog of Copyright Entries: Third Series
Volume 22, Part 2

Periodicals
January–December
1968
# Table of Contents

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<tr>
<td>Claimant Index</td>
<td>421</td>
</tr>
</tbody>
</table>
RENEWAL REGISTRATIONS

A list, arranged by title, of periodicals for which renewal registrations were made during the period covered by this issue. Information relating to both the original and the renewal registration is included in each entry. References from variant titles, from titles of specific issues, and from other titles associated with the periodicals are interfiled.
Original registration

ILLINOIS LAW REVIEW. © Northwestern University School of Law (PCW)
v.36, no.
4, Dec41. © 6Jan42; R459309.
7Apr69; B526943.
5, Jan42. © 13Feb42; B531120.
7Apr69; R459310.
6, Feb42. © 20Mar42; B538830.
7Apr69; R459312.

Renewal

INDUSTRIAL AND ENGINEERING CHEMISTRY. Analytical ed. © American Chemical Society (PCW)
v.13, Dec
Kid Congress Teaches The World To Listen.

Type of Work: Motion Picture

Registration Number / Date: RA0001975693 2015-02-23

Application Title: Kid Congress Teaches The World To Listen.

Title: Kid Congress Teaches The World To Listen.

Description: Videodisc (DVD)

Copyright Claimant: Brett Anderson, 2004- . Address: 208 Alice Avenue, Waterloo, IA, 50701-3615, United States.

Ayden Hayes, 2004- . Address: 1628 Dakota Drive, Waterloo, IA, 50701-9766, United States.

William Klabunde, 2004- . Address: 6612 hiambell Avenue, Waterloo, IA, 50701-9045, United States.

Addyson Rege, 2004- . Address: 2910 Lakeside Drive, Waterloo, IA, 50701, United States.

Chase Hollis, 2003- . Address: 7592 Hammond Avenue, Waterloo, IA, 50701, United States.

Emma Brainard, 2004- . Address: 426 Belle Street, Waterloo, IA, 50702, United States.

Kyle Earnest, 2004- . Address: 1840 Partridge Lane, Waterloo, IA, 50701, United States.

Graham Fry, 2004- . Address: 2124 Touchet Street, Waterloo, IA, 50702, United States.

Date of Creation: 2014

Date of Publication: 2014-11-17

Nation of First Publication: United States

Authorship on Application:


Rights and Permissions: Sally-Ann Hollis, 7502 Hammond Avenue, Waterloo, IA, 50701, United States


Kid congress teaches the world to listen.

Type of Work: Recorded Document
Document Number: V9919D368
Date of Recordation: 2013-02-19
Entire Copyright Document: V9919 D368 P1
Date of Execution: 8Dec14
Date of Certification: 02/06/2015

Title: Kid congress teaches the world to listen.

Notes: Assignment of quitclaim.

Party 1: Kelsey Hammer
Party 2: Brett Anderson, Ayden Hayes, William Klubunde, Addisyn Reger, Chase Hollis, Emma Brainard, Kyle Earnest, & Graham Fry

Names: Hammer, Kelsey
Anderson, Brett
Hayes, Ayden
Klabunde, William
Reger, Addisyn
Hollis, Chase
Earnest, Kyle
Fry, Graham
Exercise 4

Where would you check to see if this work is still protected by copyright?
# Long Record

<table>
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<tr>
<th>Title</th>
<th>Handbook of elementary law. Pt. 1, chap. 1-15</th>
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<tr>
<td>Author</td>
<td>BOWMAN, MILO J</td>
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<td>Reg. Date</td>
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<tr>
<td>Renewal Id</td>
<td>R178322</td>
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<tr>
<td>Renewing Entity</td>
<td>West Pub. Co. (PWH)</td>
</tr>
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</table>

Old Class Code
Exercise 5

This entry in the CCE indicates West registered its copyright in the 1959 Pacific Digest. What do you need to look for to determine if it is still protected by copyright?
Public Catalog

Copyright Catalog (1978 to present)

Your search found no results. Refer to search examples, check spelling or try another search type.

Basic Search | Other Search Options

Search for: pacific digest

Search by: Title (omit initial article A, An, The, El, La, Das etc.)
Name (Crichton Michael; Walt Disney Company)
Keyword
Registration Number (for VAu 598-675 type va000598675)
Document Number (for V2606 P87 type v2606p087)
Command Keyword

25 records per page ▼

Begin Search  Clear Search
<table>
<thead>
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<th>#</th>
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<th>Full Title</th>
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<td>10</td>
<td><strong>Pacific digest</strong></td>
<td>Pacific digest: covering volumes 330-344. Pacific reporter. second series.</td>
</tr>
<tr>
<td>13</td>
<td>Pacific digest</td>
<td>West's Pacific digest.</td>
</tr>
</tbody>
</table>
Type of Work: Text
Registration Number / Date: RE0000381340 / 1988-04-04
   Renewal registration for: A00000428808 / 1960-01-29
Title: Pacific digest; covering volumes 330-344. Pacific reporter, second series.
Copyright Claimant: West Publishing Company (PWH)
Variant title: Pacific digest
Other Title: Pacific reporter, second series
Names: West Publishing Company
Questions and Answers

• Benjamin Keele: bkeele@iu.edu
• Carolyn Hersch: carolyn.hersch@ropesgray.com