

COPYRIGHT EXPLAINER

**GETTING A COPYRIGHT BACK—
RIGHTS REVERSIONS**

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In 1995, my mother published a [book](#) about a particular kind of [Swedish knitting](#). As far as I know, it is still a major work for that niche. Like most books published nearly 30 years ago, it has gone out of print and can be obtained only through used book vendors. While the publisher appears to have gotten the economic value it can from the book, it still owns the copyright. My mother would like the copyright back, so she can make the book available to additional interested knitters.

Most of the questions I receive about copyright are either from authors who initially are placing their works with a publisher or from researchers who want to know if or how they can use a copyrighted work in their class. Researching how my mother could regain the copyright in her book was a new area for me.

As is often the case, the first step I took was to look at the contract with her publisher. Fortunately, she kept the document through the decades. According to the contract, she assigned the copyright in the book to the publisher, but she has the right to have the copyright transferred back to her if the publisher allows the book to fall out of print for a certain period. This is often called a rights reversion. If the contract did not have a reversion provision, my mother could have nicely asked the publisher if they would transfer the copyright back to her. The publisher would have been under no obligation to grant the request; it would have been in its discretion.

Now that we knew she could ask for the copyright back, the next step was figuring out whom to contact to invoke that provision of the contract. This turned out to be a bit of challenge. The publisher was a small specialty publisher and was acquired by a larger publisher that catered to a variety of hobbies, including hunting, firearms, and stamp collectors. The company then went bankrupt, and its publishing assets were purchased by a network of hobby websites. The books were not a core asset for the company, so it sold the rights to the books to Penguin Random House. Researching this was like following a small stream and watching the water flow into progressively larger rivers until it finally poured into a huge lake.

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At some point in all this, the book went out of print. Since I had to buy a used copy several years ago, I am confident the reversion provisions of the publishing contract have been satisfied, and Penguin Random House should transfer the copyright back to my mother. The trick now, of course, is to find the right people in the company to execute the paperwork. We found an email address for authors whose books rights were sold to Penguin Random House and wrote to it, so in the next issue, I hope to report some results. I also will write about the statutory right of an author to terminate a copyright transfer.

The Authors Alliance has excellent [resources](#) on reclaiming one's copyrights. //

