

**Class 6: Duration and Termination of Transfers**

**Administrative**

Next Time:

**FORMALITIES**

Originally assigned Mon, April 19

139-53; 741-44; sections 401, 408(a) and (b); 411-12

News Wednesdays

Two Superbowl Stories

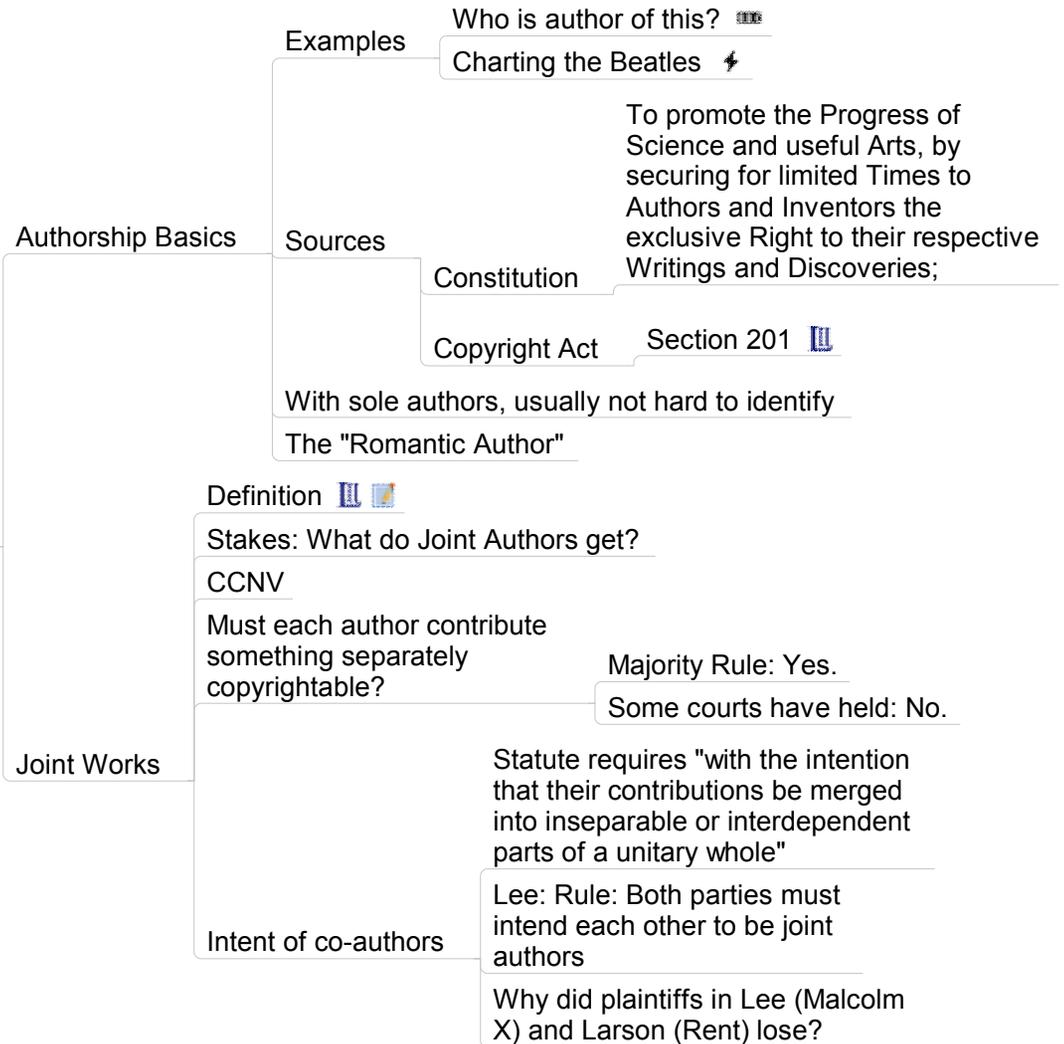
Saints Trademarks 

17 USC 110(5)(B)(i)(II) 

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Last Time

Who is an Author?



Definition 📖

Stakes: What changes when something declared a work-for-hire?



"Employee"

CCNV v. Reid

Basic Facts

In support of CCNV

In support of Reid

Oddity in the case

Held

Reasoning

"Scope of his or her employment"

101(2): Specially Ordered or Commissioned works

Last Time

Works for Hire

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Duration

The Rules

General Rules

NOT responsible for pre-1976 Act rules.

Works created on or after 1/1/1978

Duration measured from fixation in a tangible medium

Life Plus 70 for individual or joint authors (for joint, life of last to die)

For anonymous, pseudonymous, or works for hire: 95 from publication or 120 from creation (whichever shorter)

Pre 76-Act, duration was measured from time of publication (next time)

Works first published before 1/1/1978

General rule: 95 years from date of publication

28 year term

+ 67 if it was renewed

It's a Wonderful Life (1946), not renewed.

28 original renewal

+ 19 extension (76 Act)

+ 20 extension (CTEA)

Reflecting fact that renewal was eliminated in 1992

OR +67 if after 1964

BUT: Odd twilight zone of works that expired post 76 Act (19 year extension) but pre-CTEA

Would've been extended

But Congress couldn't (wouldn't) revive these.

So, ANYTHING pre-1923 has expired.

Works created but unpublished before 1/1/1978

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**Duration**

**Eldred**

**Facts**

Testing Constitutionality of CTEA      Added 20 years to time limits to copyrights

One explanation for the law:      1928  
Steamboat Willie      Set to expire in 2003  
Disney testified

Quotes to Congress      page 166  
Mary Bono (widow of Sonny's):  
wanted protection to last forever  
Quincy Jones

Strategic choice faced by plaintiffs:      Challenge extension as applies to all works, currently existing or yet to be created  
OR Challenge extension only as applies to currently existing works that had seen their durations extended?

**Held**

Congressional Power under Copyright Clause

Deference owed to Congress?

**Issues:**

Violation of the bargain

Effect on Incentives?

First Amendment

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