

I'd Like My Copyright Back

1978



In 1978, Susie McGoo recorded a smokin' folk banjo album. As the creator of the new work, copyright for the recording automatically belonged to Susie. **1**



But Susie signed over her copyright as part of the distribution deal with her music label. Which means the label has exclusive control over the use, sale, and distribution of the recording, not Susie.

2003

Window for submission

Window for termination



But wait!

Susie knows about copyright termination rights. **2** So in 2009, Susie submitted a termination of copyright transfer effective 2013... 35 years after the original recording. **3**

2011

2013

2018



In 2013, the copyright to Susie's recording reverts to Susie!

How to File a Termination Notice

The Copyright Office has yet to produce a termination form, so copyright owners must create their own document. Termination notices can be complicated when there are multiple original authors, or the party requesting the termination is an heir to the original author. In the case of single, original author, a termination notice must include the following:

- (a) A statement that the termination is made under section 203;
- (b) The name and address of each **current** copyright owner whose rights are being terminated;
- (c) The date that the copyright transfer occurred;
- (d) The title and name of the **original** author for each work the termination notice applies;
- (e) A brief statement identifying the document to which the notice of termination applies.

The notice and the filing fee (\$95) must be mailed to:

Notices of Termination, Copyright Office, P.O. Box 71537, Washington, DC 20024-1537

- 1** Copyrights are not perpetual. They expire after a set of time, at which point the underlying work enters the public domain and may be reproduced by anyone. The specific terms and policies have changed over time; today, a copyright extends 70 years past the life of the author.
- 2** 17 U.S.C. § 203 of the U.S. Copyright Act grants original authors a "termination right." Under this artist-friendly provision, if the author of a work sells or transfers her copyright, she may terminate the transfer in a five year window starting 35 years after the work was originally created. In practice, this means that if an author sold a novel to a publisher in 1995, she would have the right to terminate the copyright transfer between 2030 and 2035.
- 3** To qualify, the work must have been created after January 1, 1978. This means that 2013 is the first year that the effects of the provision will be felt. Furthermore, proper notice to reclaim the copyright must be filed with the U.S. Copyright Office between two and ten years before the 35-year mark. If a work was made "for hire," the termination right does not apply.