

# Copyright Termination

## How Federal Law Gives Songwriters Their Copyrights Back

### WHAT IS COPYRIGHT TERMINATION?

- A golden opportunity.
- Federal law.
- A way to get your copyrights back from the publisher, no matter what your publishing agreement said.
- What you actually terminate is the grant of the copyright that you transferred to your publisher.

### WHEN MAY I TERMINATE A COPYRIGHT?

- **For grants of copyright on or after January 1, 1978:**
  - o During a 5-year period beginning 35 years after publication of the work or 40 years after the grant of your publishing rights, whichever is earlier.
- **For copyrights executed before 1978:**
  - o During a 5-year period beginning 56 years after the earlier of registration or publication of the work.
- **Notice to the publisher:**
  - o In both cases listed above, notice must be sent to the publisher no earlier than ten years before the beginning of the termination period, and no later than 2 years before the end of the termination period.

### WHO HAS THE RIGHT TO TERMINATE A COPYRIGHT?

- The author.
- If the author is deceased: The author's spouse, children or grandchildren.
- If the author dies with no spouse, children or grandchildren: The author's executor.

### WHY DO I NEED THE ASSISTANCE OF AN ATTORNEY?

- **DETAIL**
  - o Notice to your publisher and recordation with the Copyright Office must be done correctly, or the termination fails.
  - o Dates of creation, registration, publication, and transfer of grant, as well as current publisher information, must be thoroughly researched.
  - o Termination and notification windows for each work must be accurately calculated.
- **SUPPORT**
  - o An attorney has special expertise and training in other areas of the law, including contract drafting and negotiation. Some authors find it more advantageous to use their newfound position of strength as a bargaining tool in negotiations to shop a new deal, rather than to choose to terminate the copyright altogether.
  - o An attorney can handle litigation that may arise in connection with your copyright termination or your other publishing matters.
  - o A deceased author's right of termination passes to the author's heirs or estate. An attorney can readily suggest and draft the appropriate changes to your will and estate plan to protect you and your family.
- **LEGAL FOUNDATION**
  - o Because 2013 is the first year that authors of post-1977 works will get their rights back, courts have not yet clarified the wording of the statutes, but you can bet they will once lawsuits are heard in court. An attorney has continuous access to the latest judicial opinions and stays on top of critical changes.
  - o A small change in the interpretation of a law could significantly affect the validity of your copyright termination. Why take chances?
- **PROFESSIONALISM**

- Documents prepared on your behalf will be properly drafted and delivered, and letters will be on legal letterhead.
- This is your life's work. You deserve qualified and professional representation.

**OTHER IMPORTANT INFORMATION**

- Termination applies only to grants of copyright made in the United States, not to grants made under foreign law.
- Once your grant of a copyright has terminated, you are the owner of the copyright. You may either administer the work yourself or seek other administration services.