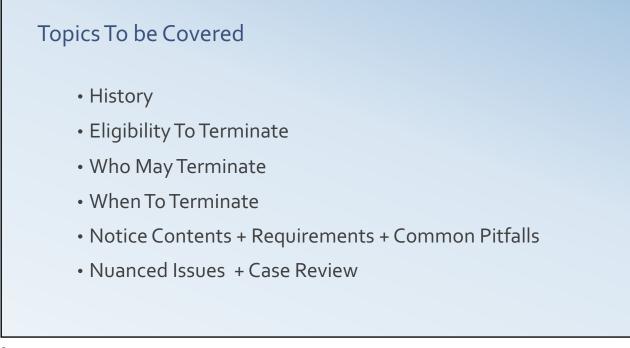
### Navigating the Complexities of Copyright Termination and Recapture Rights

Adam Rich, Davis Wright Tremaine LLP Gwendolyn Seale, Mike Tolleson and Associates



1



# **Brief History**

- Copyright Act of 1909
  - Copyright duration of 28 years (initial term), and renewal term of 28 years
  - Allow authors the opportunity to terminate contracts, recapture rights and enter into new deals
  - Did not work in practice
    - Publishers and other large rights holders would require assignment of renewal rights
- In approaching the Copyright Act of 1976, goal was to make termination rights inalienable
  - But, end result produced an overly complex, burdensome and expensive challenge for authors

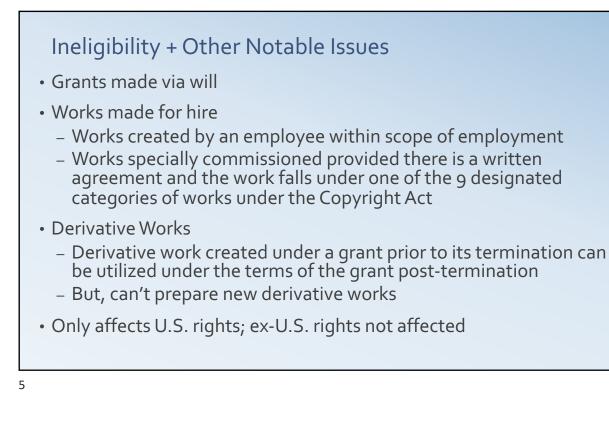
3

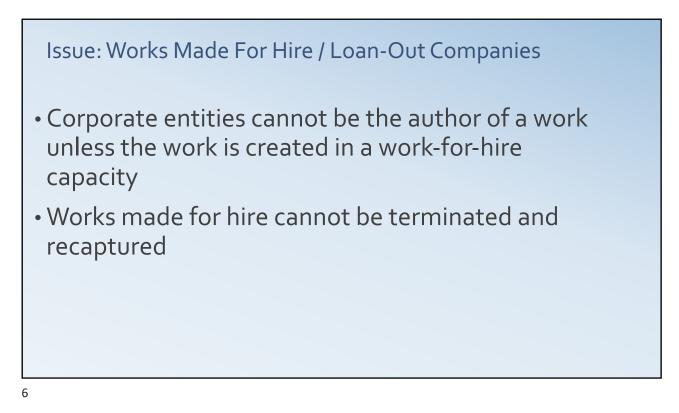
# Eligibility

- 17 USC §§ 304
  - Grants or licenses of copyrights executed by the author or author's heirs before January 1, 1978
  - AND only if the copyright in the work was secured before January 1, 1978

#### • 17 USC §§ 203

- Grants or licenses of copyrights executed by the author on or after January 1, 1978
- Does not matter if the copyright in the work was secured before or after January 1, 1978
- Gap Grant Issue





Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

#### Title search: Navigating the Complexities of Copyright Termination and Recapture Rights

First appeared as part of the conference materials for the 33<sup>rd</sup> Annual Entertainment Law Institute session "Navigating the Complexities of Copyright Termination and Recapture Rights "