



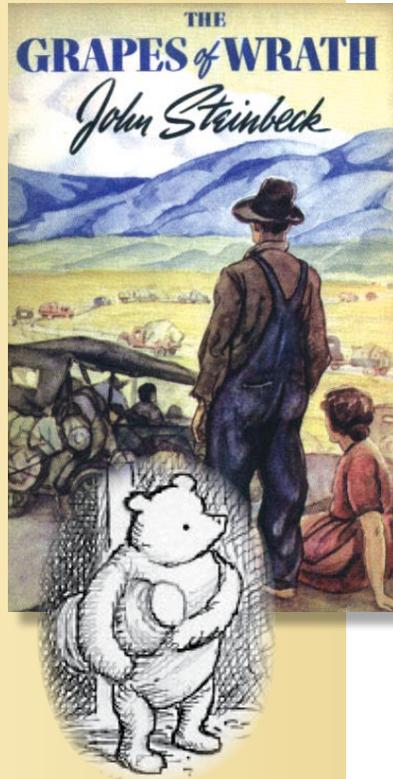
University of Dayton School of Law
 Program in Law & Technology
 300 College Park
 Dayton, OH 45469-2772

<http://law.udayton.edu>

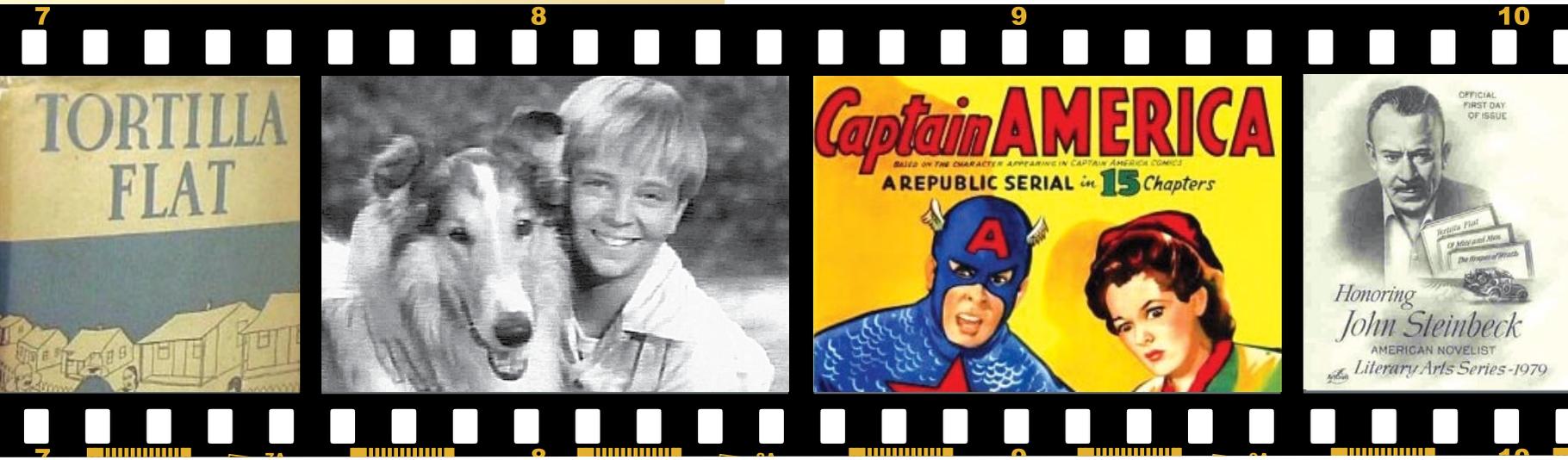
PRESORTED
 FIRST-CLASS MAIL
U.S. POSTAGE PAID
 DAYTON, OH
 PERMIT NO. 71

*The Brewing Storm on the Horizon:
 Terminations of Transfers Under the Copyright Act*

Professor Lydia Loren



THE
SCHOLARLY SYMPOSIA SERIES
 CURRENT ISSUES IN
 INTELLECTUAL PROPERTY LAW



THE
SCHOLARLY SYMPOSIA SERIES
 CURRENT ISSUES IN
 INTELLECTUAL PROPERTY LAW

Thursday, March 11, 2010 / Joseph E. Keller Hall

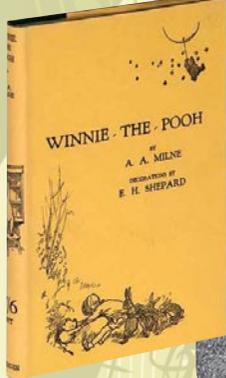
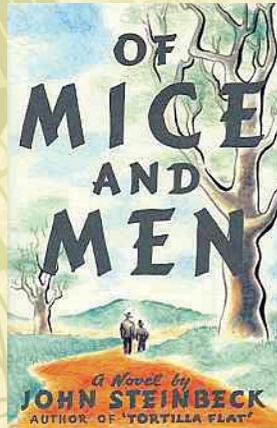
*The Brewing Storm on the Horizon:
 Terminations of Transfers Under the Copyright Act*



**Program
 in Law and
 Technology**

The Brewing Storm on the Horizon: Terminations of Transfers Under the Copyright Act

Professor Lydia Loren, Jeffrey Bain Faculty Scholar,
Lewis & Clark Law School



In the 1976 Copyright Act, Congress provided the right to terminate any transfers of ownership or licenses of copyright after 35 years. This provision, often referred to as the “termination of transfers” provision, was meant to provide authors, who might have been in a poor bargaining position initially, a second opportunity to renegotiate the terms of any transfer or license. Congress’ choice to favor authors over subsequent transferees, regardless of the actual circumstances of the initial transaction, raises interesting issues of distributive justice.

The Copyright Act provides that the right to terminate transfers may be effected “notwithstanding any agreement to the contrary,” leading the Supreme Court to characterize it as an inalienable right. Overriding the general principle of freedom of contract, the Copyright Act makes transfers of “all right, title and interest” and licenses that purport to be perpetual, or at least to last for the entire term of copyright, nonetheless terminable by the author after 35 years.

Not much has been made of this termination of transfer provision...yet. The reason for this is simple — the problems have not become real. The 1976 Copyright Act, effective on January 1, 1978, provided for this termination of transfer right only for agreements signed after the effective date of the Act. An agreement signed in 1978 would be terminable by the author or her heirs in 2013. This little-talked-about provision in the Copyright Act has the potential to create countless problems for authors, heirs, and transferees. Understanding both the technical details and the underlying policy that Congress sought to achieve is paramount to weathering the storm that is brewing on the horizon.

The University of Dayton
School of Law’s Intellectual
Property Law Society and
the Program in Law and
Technology present:

2010 Scholarly Symposia Series

University of Dayton School of Law
Joseph E. Keller Hall
Albert H. Scharrer Atrium

Thursday, March 11, 2010
6:00 p.m. – 8:30 p.m.

6:00 p.m. – 7:00 p.m.
Heavy appetizers and cocktails

Guest Speaker
Professor Lydia Loren
followed by hearty debate
7:00 p.m. – 8:30 p.m.

The favor of your reply is requested
by March 4, 2010

These images are being used as “fair use” examples of works that have faced attempts by authors and their heirs to terminate transfers, but their use does not in any way indicate their owners’ sponsorship or endorsement of the University of Dayton School of Law, its academic programs, or this symposium.

About our Guest Speaker

During the 2006-07 academic year, Professor Loren served as the first woman dean of Lewis & Clark Law School. Professor Loren’s areas of expertise include intellectual property and copyright law in particular. The second edition of her popular casebook *Copyright in a Global Information Economy* (co-authored) was recently published by Aspen Publishing. She has published widely in law reviews on topics including music copyrights in the age of the internet, criminal copyright infringement, the proper scope of the

Lydia Loren

B.A. with high distinction,
1987, University of Michigan
J.D. magna cum laude,
1992, University of Michigan
Law School
Order of the Coif



derivative work right in the digital age and economic analysis as it relates to the doctrine of fair use. In 2008 Professor Loren was named Jeffrey Bain Faculty Scholar in recognition of her exemplary teaching and scholarship in Intellectual Property Law.

RSVP/Registration

Please Register by March 4, 2010
Symposium Fee \$50.00

This course has been approved by the Supreme Court of Ohio Commission on Continuing Legal Education for 1.50 total CLE hour(s), with 0.00 of ethics, 0.00 of professionalism and 0.00 of substance abuse instruction.

You may register by contacting:
Nan Holler-Potter
Phone: (937) 229-4676
Fax: (937) 229-4778
email: hollernl@notes.udayton.edu
online: <http://law.udayton.edu/commerce/products.asp?cat=11>

If you prefer not to send your credit card number by fax, please provide the card type, signature, and expiration date, but leave the credit card number blank. You can then telephone us at (937) 229-4676 and provide the credit card number.

If you choose to pay by check, make it payable to the University of Dayton and mail to:

Nan Holler-Potter
University of Dayton School of Law
Keller Hall, RM 326
300 College Park
Dayton, OH 45469-2772