

LAW & DISORDER / CIVILIZATION & DISCONTENTS

Head of US Copyright Office wants to shorten terms, just barely

Timid proposal would go from a term of life-plus-70 years to life-plus-50 years.

by Joe Mullin - Mar 19 2013, 2:50pm USMST

COPYRIGHT GOVERNMENT 169



Library of Congress

US Register of Copyrights Maria Pallante is about to give [testimony](#) (PDF) to part of the [House Judiciary Committee](#), in which she proposes that the US government do something it hasn't done, ever—shorten copyright terms.

"You may want to consider alleviating some of the pressure and gridlock brought about by the long copyright term for example, by reverting works to the public domain after a period of life plus fifty years unless heirs or successors register their interests with the Copyright Office," Pallante's written testimony states.

To be sure, that's an incredibly long term. And Pallante is *still* suggesting that copyright owners be allowed the current life-plus-seventy term if they ask for it. The purpose of copyright law is to stimulate the production of new creative works, and it's not at all clear that your average performer or artist is behaving any differently because they're granted so many decades of exclusive rights.

But the direction is worth noting. Life plus fifty years is *less than* the current term of life plus seventy years. Corporate-owned works currently get a copyright term of 95 years. The public domain has essentially been frozen for decades now, as each time any works have inched toward their copyright expirations, the entertainment industry has successfully argued for a retroactive extension of copyright terms.

TOP FEATURE STORY ▾



FEATURE STORY (3 PAGES)

The 49ers' plan to build the greatest stadium Wi-Fi network of all time

The San Francisco 49ers build stadium technology in Facebook's image.

78

STAY IN THE KNOW WITH ▾

LATEST NEWS ▾

MAYLONG REDUX

Report: Amazon is working on a \$99 Kindle tablet

XBOX LIVE SECURITY

Microsoft confirms compromise of "high-profile" Xbox Live accounts



Moon rocket engines recovered from bottom of Atlantic ocean

BYE-BYE USED GAMES?

Leak points to "always on" 'Net connection, one-time installs for next Xbox

The change in tone is meaningful, though. Pallante is an establishment figure through and through; she suggested **copyright would break** without SOPA, and the Copyright Office has long been uber-sympathetic to industry concerns. The fact that Pallante is even broaching the idea of a shortened term is a suggestion that reformers have made progress compared to where they were even a few years ago. American copyrighted works are scheduled to start becoming public domain again in 2018 unless there is another retroactive extension. That would mean a corporately owned copyrighted work made in 1923 will become public domain in 2018, barring a new law.

Pallante also has some generalized language about how some elements of copyright may need to move from being an "opt-out" regime to being "opt-in." But again, the language is incredibly timid, and she only proposes such changes for "good guy" institutions like libraries and research institutions:

You may wish to reverse the general principle of copyright law that copyright owners should grant prior approval for the reproduction and dissemination of their works—for example, by requiring copyright owners to object or "opt out" in order to prevent certain uses, whether paid or unpaid, by educational institutions or libraries.

Pallante's speech, which is about updating US copyright law, mostly includes a lot of very general talk guaranteed to offend no one. For example: "Congress also may need to apply fresh eyes to the next great copyright act to ensure that the copyright law remains relevant and functional."

Still, her suggestion of a shortened term is still a sign that as copyright arguments heat up toward 2018, it won't be a cake walk for the content industries.

READER COMMENTS 169



Joe Mullin / Joe Mullin has covered the intersection of law and technology — including the world's biggest copyright and patent battles — for a number of years, mostly at The American Lawyer.

Follow @joemullin

← OLDER STORY

NEWER STORY →

YOU MAY ALSO LIKE



Meet Yeti, the South Pole's crevasse-detecting robot



SimCity review: one week later, time doesn't heal all wounds



Security reporter tells Ars about hacked 911 call that sent SWAT team to his house



Where we go from the top: hands-on with Samsung's Galaxy S 4



Our first face-to-face meeting with Samsung's Galaxy S 4



Samsung unveils the new eight-core Galaxy S IV



911 tech pinpoints people in buildings—but could disrupt wireless ISPs

THIRD PARTY'S A CROWD

Most PC security problems come from unpatched third-party Windows apps

86 percent are caused by non-Microsoft programs, Secuina finds in review.



Apple's hire of anti-Apple Adobe CTO raises eyebrows

ACCOUNT FREEZE

Networks of South Korean banks, broadcasters hit in cyberattack

SITE LINKS

MORE READING

CONDE NAST SITES

[About Us](#)
[Advertise with us](#)
[Contact Us](#)
[Reprints](#)

[RSS Feeds](#)
[Newsletters](#)

[Reddit](#)
[Wired](#)
[Vanity Fair](#)
[Style](#)
[Details](#)

SUBSCRIPTIONS

[Subscribe to Ars](#)

[VIEW MOBILE SITE](#)

© 2013 Condé Nast. All rights reserved
Use of this Site constitutes acceptance of our [User Agreement](#) (effective 3/21/12) and [Privacy Policy](#) (effective 3/21/12), and [Ars Technica Addendum](#) (effective 5/17/2012)
[Your California Privacy Rights](#)
The material on this site may not be reproduced, distributed, transmitted, cached or otherwise used, except with the prior written permission of Condé Nast.

[Ad Choices](#)