

COPYRIGHT REFORM

Imagine if Congress passed legislation whereas the rights to all of your tangible assets; money, art works, real estate, investments, etc. would be lost after a certain period of time, after your passing on. How would that make you feel knowing that eventually all that you have created would be gone and placed in an environment where everything was freely shared by the general public instead of being owned by your heirs who were legally designated in your will.

Let's take this a step further. You possibly may have struggled against all odds to reach that pinnacle of success and endured many disappointments along the way. Your accomplishments may even have brought you a level of notoriety or celebrity status and your utmost desire is to have your children and your children's children continue to benefit from your success and maybe even follow in your footsteps.

You probably think that this is a ridiculous notion and nothing of this magnitude could ever happen in this great country of ours, where the US Constitution is the guideline for all our laws and is supposed protect the rights of all US citizens. Think again!!

Copyrights Must Be In Perpetuity For Accredited Copyright Owners!

The information below was attained at the following link:

<https://www.copyright.gov/help/faq/faq-protect.html>

What does copyright protect?

Copyright, a form of intellectual property law, protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. Copyright does not protect facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed. See Circular 1, *Copyright Basics*, section "What Works Are Protected," <https://www.copyright.gov/circs/circ01.pdf>

Copyright is a form of protection provided by the laws of the United States to the authors of "original works of authorship" that are fixed in a tangible form of expression. An original work of authorship is a work that is independently created by a human author and possesses at least some minimal degree of creativity. A work is "fixed" when it is captured (either by or under the authority of an author) in a sufficiently permanent medium such that the work can be perceived, reproduced, or communicated for more than a short time. Copyright protection in the United States exists automatically from the moment the original work of authorship is fixed.

What Works Are Protected?

Examples of copyrightable works include

- Literary works
- Musical works, including any accompanying words
- Dramatic works, including any accompanying music
- Pantomimes and choreographic works
- Pictorial, graphic, and sculptural works
- Motion pictures and other audiovisual works
- Sound recordings, which are works that result from the fixation of a series of musical, spoken, or other sounds
- Architectural works

These categories should be viewed broadly for the purpose of registering your work. For example, computer programs and certain “compilations” can be registered as “literary works”; maps and technical drawings can be registered as “pictorial, graphic, and sculptural works.”

Posted by the United States Copyright Office December 27th 2022 on Twitter,
<https://twitter.com/CopyrightOffice>

In 2023, new works will enter the public domain. But what is the public domain? A work is in the public domain if it is no longer under copyright protection or failed to meet the requirements for protection. Works in the public domain are free to use without permission. <https://www.copyrightlaws.com/what-is-the-public-domain/>

WHAT IS THE PUBLIC DOMAIN?

The phrase "public domain" (PD) isn't in the U.S. Copyright Act. It is, however, commonly used to refer to content that isn't protected by copyright law.

Works that are in the public domain may be used freely, without obtaining permission from or compensating the copyright owner.

HOW DO WORKS ENTER THE PUBLIC DOMAIN?

Public domain works, or content that isn't protected by copyright law, may not be protected for a variety of reasons, including the following:

- **The duration of copyright in the work has expired** — In the U.S., for example, the copyright in a book expires 70 years after the death of its author. The minimum duration of copyright protection as set out in the leading copyright treaty, the Berne Convention, is life-plus-fifty but many countries now have a life-plus-seventy duration as in the U.S. (See the section below on Public Domain in Other Countries.)
- **The work was produced by the U.S. federal government** — In the U.S., works produced by the federal government don't have copyright protection. However, a work produced by a consultant or freelancer to the government may have protection and the

original copyright owner may transfer that copyright to the government. Note that in other countries, such as Canada, there is copyright protection in federal government works.

- **The work isn't fixed in a tangible form** — A work such as a speech, lecture or improvisational comedy routine that hasn't previously been written or recorded in any manner isn't protected by copyright and therefore is in the public domain.
- **The work didn't include a proper *copyright notice* prior to 1 March 1989** — In the U.S., this doesn't apply to works created after 1 March 1989, when a copyright notice became no longer mandatory to protect a work. However, prior to that date, notice of copyright was necessary on all published works. Without this notice, the work went into the public domain. Most countries don't have a copyright notice requirement. Note that Berne member countries cannot have any requirements such as a copyright notice in order for authors to have copyright protection in their works — that's always automatic in Berne Convention countries.
- **The work doesn't have sufficient originality** — Examples of works that may not have sufficient originality to be eligible for protection by copyright include lists or tables with content from public documents or other common sources.

EXAMPLES OF PUBLIC DOMAIN WORKS

In terms of copyright protection, works in the public domain in the U.S. generally include the following:

- U.S. Federal legislative enactments and other official documents
 - Titles of books or movies, short phrases and slogans, lettering or coloring
 - News, history, facts or ideas (note that a description of an idea in text or images, for example, may be protected by copyright)
 - Plots, characters and themes from works of fiction
 - Procedures, methods, systems, processes, concepts, principles, discoveries or devices
- Note that the above list of works may be protected by other areas of intellectual property such as patents or trademark protection.

ADAPTATION OF PUBLIC DOMAIN WORKS

An adaptation of a work in the public domain may have copyright protection on its own as a new version of a work. Adaptations include translations, amended versions and annotated versions.

For example, Shakespeare's "Romeo and Juliet" may be in the public domain, but a new version with annotations or illustrations may have copyright protection in these new parts of the work. However, this doesn't affect the copyright status of the public domain portions of the adaptation. For more information, see [*Copyright Permissions: Understanding Layers of Rights*](#).

PUBLIC DOMAIN IN OTHER COUNTRIES

The fact that a work is either protected by copyright in the U.S. or in the public domain in the U.S. doesn't mean that same work has the same copyright status in another country.

For example, a U.S. government work may be in the public domain in the U.S. but protected by copyright in Canada. (This sounds odd and in practice this can cause problems. For example, a person in Canada may have difficulty clearing the rights to use a U.S. government work in Canada since that same work is in the public domain when used in the U.S.)

Also, due to different durations of copyright among countries, a work that's still protected by copyright in the U.S. because of the 70-year duration may be in the public domain for the last 20 of those 70 years in a country with a 50-year copyright duration. This is an issue to consider for any online projects or websites where uploaded content will be used in countries with different copyright durations than your own country.

On each 1 January, various published lists highlight works that enter into the public domain that year. These lists are country specific.

COPYRIGHTS MUST BE PERPETUAL!!

See The Section Below, In **Bold**, Citing Others Who Have Supported This Position.

Copied From Wikipedia, At The Following Link:

https://en.wikipedia.org/wiki/Perpetual_copyright#:~:text=In%20the%20United%20State%2C%20perpetual,is%20%22for%20limited%20times%22.

Copyright philosophy

The basic philosophical argument employed by proponents of perpetual copyright presupposes that **intellectual property** ownership rights are analogous to other property rights such as those associated with material goods. Proponents such as **Mark Twain**^[1] and **Jack Valenti**^[2] have stated that owners of intellectual property should have the same perpetual right to retain and bequeath this property to their descendants that owners of material goods already possess. **Jonathan Zittrain**, a faculty co-director at the **Berkman Center for Internet & Society**, illustrated this argument using the analogy: "[It] makes no sense to imagine somebody after a certain time coming in and taking your rug or your chair and saying 'Sorry, your ownership expired.'"^[3]

In an op-ed published in *The New York Times*, author **Mark Helprin** argues that it is unjust for a government to strip copyright holders of their exclusive rights after a set period of time.^[4] He also writes that copyright expiration transfers wealth from private copyright holders to corporations:

"'Freeing' a literary work into the public domain is less a public benefit than a transfer of wealth from the families of American writers to the executives and stockholders of various businesses who will continue to profit from, for example, *The Garden Party*, while the descendants of **Katherine Mansfield** will not."^[4]

I have been successfully garnering support for the last five months from colleagues, clients and other entertainment industry professionals to build momentum for this endeavor.

All Inquires Are Welcome!

General Inquires

Email: creatorsrightsmovement@aol.com

To contact me directly, use my office number or email address listed below.

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<https://www.linkedin.com/in/markgoldstein>