

Creators' Rights Movement

I have started a movement to protect the rights of creators and I am now in the process of seeking public support as well as engaging parties in the political system and the media. I have been successfully garnering support for the last eight months from colleagues, clients and other entertainment industry professionals to build momentum for this endeavor. I greatly appreciate the overwhelming response and support that I have received thus far and look forward to publicly acknowledging all those who have assisted in my efforts to protect the rights of all creators.

The first item on the agenda is to abolish the expiration of copyright term for identifiable copyright owners, which now stands at "life of the author plus an additional 70 years. "Public Domain," constitutes a flaw in our legal system, whereas its existence in its present form, violates a guaranteed basic right to own property and it conflicts with the broad interpretation of this except from the "takings" clause of the 5th Amendment to the US Constitution, which states: "No person shall be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation." Also, the 14 Amendment states: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." But the Constitution also states that perpetual copyright is prohibited, providing that copyrights can only be for limited period of time but does not specify how long that period of time may be which is why there have been changes to the copyright law extending the time period for copyrights which is contradictory to several of its amendments.

There is no just compensation or any reasoning for that matter, that can substantiate allowing our government, or any government for that matter, to terminate the ownership of any creative works, (a form of intellectual property), by identifiable copyright owners, and placing them in public domain, for any reason what so ever! There can be no due process of law to substantiate it either. Common law rights must not be terminated whether a work is published or not. Prior to the 1976 Copyright Law becoming effective on January 1, 1978, unpublished works were protected in perpetuity unless published. Now everything is up for grabs, 70 years past the life of the author. This deprives identifiable copyright owners /creators of their inalienable rights of "Life, Liberty and the pursuit of Happiness," a well-known phrase from the Declaration of Independence. There is no argument on this planet that can justify such termination of rights of ownership! Again, the rights that had been previously granted in perpetuity for unpublished creative works must be reenacted to cover both published & unpublished works in perpetuity.

Publication has a technical meaning in copyright law. According to the statute, In reference to music: "Publication is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. Publication occurs on the

date on which copies of the work are first made available to the public. Unpublished works are those, which have not been distributed in any manner.

This can be considered to be a moral issue as well as a legal one. Assets such as, real estate, artwork, cash, family businesses, stocks, bonds can be passed on by one generation of a family to another, "Generational Wealth." So why is this not a reality for creative works - intellectual property, which includes, music compositions, literary, dramatic, artistic works, etc. Their transference should also be perpetual. This is inequitable! Creative works, whether published or unpublished, must be recognized as tangible assets and must receive equal treatment under the law!

This needs to be immediately addressed by appropriate legislation to revise the Copyright law once again. This travesty has been going on for too long! The ramifications of allowing this to continue unchallenged, and therefore unchanged, are enormous. Copyrights must be issued in perpetuity! It is time for our government work more diligently and expediently and in a unified bipartisan manner to support the rights of creators. I believe that the United States Constitution is badly in need of an update in certain areas, as it does not address the changes that have evolved in this country and the current needs of society, in our modern era.

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%20States%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]

All Inquires Are Welcome!

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