Extending Term to December 31, 1971

HREP91-1621 EXTENDING THE DURATION OF COPYRIGHT PROTECTION IN CERTAIN CASES

NOVEMBER 24, 1970.--Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. KASTENMEIER, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany S.J. Res. 230]

The Committee on the Judiciary, to whom was referred the joint resolution (S.J. Res. 230) extending the duration of copyright protection in certain cases, having considered the same, report favorably thereon without amendment and recommend that the joint resolution do pass.

PURPOSE

The purpose of Senate Joint Resolution 230 is to continue until December 31, 1971, the renewal term of any copyright subsisting on the date of approval of this resolution, or the term as extended by Public Law 87-668, by Public Law 89-442, by Public Law 90-141, by Public Law 90-416, or by Public Law 91-147 (or by all or certain of said laws), where such term would otherwise expire prior to December 31, 1971. The joint resolution would thus provide a further interim extension of the renewal term of copyrights, pending the enactment by Congress of a general revision of the copyright law, including a proposed increase in the length of copyright terms generally. Enactment of Senate Joint Resolution 230 would mark the sixth such interim extension. The fifth extension, provided by Public Law 91-147, will otherwise expire on December 31, 1970.

It should be noted that the resolution would merely provide a prolongation of the renewal term of copyrights that are about to expire; it would not create a new term of copyright.

STATEMENT

This legislation arises from a study of the U.S. copyright system authorized by the Congress in 1955. After extensive preparatory work, copyright revision bills were introduced in both Houses during the 88th Congress and again in the 89th and 90th Congresses. On April 11, 1967, the House passed H.R. 2512, a general revision measure. Hearings on copyright law revision were held by the Senate Copyright Subcommittee, but no further action was taken in the Senate during the 90th Congress. In the 91st Congress consideration was given to S. 543, a general revision bill, and on December 10, 1969, the Senate Copyright Subcommittee reported a version of S. 543 to the full Senate Committee on the Judiciary. That committee has not acted and it appears clear that no enactment can be expected in what is left of the 91st Congress. The chairman of the Senate Copyright Subcommittee has announced that he intends to introduce a successor bill in the forthcoming 92d Congress and has expressed the hope that the successor bill can be promptly processed.

It is estimated that since the initial extension of copyright term, which occurred in 1962, on the order of 79,700 copyright expirations have been avoided as a result of interim legislation. Enactment of the pending measure would add 7,100 additional copyrights to this figure, making a total of 86,800 copyrights with suspended expirations. Of the 79,700 copyrights jus referred to, approximately 56,000 represent musical compositions, 12,000 represent books, 8,000 represent periodicals, 2,000 represent drama.

In light of the delays which have beset enactment of a general revision bill, the committee believes that the terms of expiring copyrights should be extended so that copyright holders may enjoy the benefit of any increase in term that may be enacted by the Congress. In short, the same considerations that led to the enactment of the previous extensions warrant approval of this joint resolution. The committee urges that the resolution be given favorable consideration.

[Editor's Note: There was no Senate Report issued on this extension.]

Public Law 91-555
91st Congress, S.J. Res. 230
December 17, 1970

JOINT RESOLUTION

Extending the duration of copyright protection in certain cases.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of the resolution, or the term thereof as extended by Public Law 87-668, by Public Law 89-442, by Public Law 90-141, by Public Law 90-416, or by Public Law 91-147 (or by all or certain of said laws), would expire prior to December 31, 1971, such term is hereby continued until December 31, 1971.

Approved December 17, 1970.