Copyright is a legal construct that gives creators of works of art or literature exclusive control over distribution and reproduction of their creations for a limited time. After the term of copyright, creative works become part of the public domain and therefore are freely accessible to the public for any and all uses. The term of copyright protection started out short but now is longer than the lifespan of most human beings for copyrights registered in the United States. Tragically this causes most creations of the last century to be out of reach of the majority of people in the U.S. and runs counter to the original intent of copyright.

The purpose of copyright in the United States was originally to reward authors of creative works with a monetary incentive and short term exclusivity for the distribution and sale of their creations. After a fixed term, originally 14 years with the option to extend the copyright for a further 14, the copyrighted work would become part of the Public Domain. The Public Domain is the nation’s store of books, music, and other creative works that are not covered by copyright and therefore can be used freely and built upon by any member of the public without the need to license, or acquire permission to use the work in question. This ensures that the creator gets rewarded for the act of creation and the whole nation gets to benefit from the creation as well.

Copyright terms and the specific rights granted to creators and the public are covered under a number of different laws. The U.S. Constitution and the Copyright Act of 1790 laid out the groundwork for federal copyright law and the original length of copyright protection at a maximum of 28 years. Copyright terms have been extended many times, first to 28yrs + 14yrs extension, later to 28yrs + 28yrs extension to the present day where copyright protection no longer has a fixed duration. Rather than extending copyright protection with ever longer fixed-length terms congress has changed copyright terms and, as of the 1998 Sonny Bono Copyright Extension Act, these terms last the life of the author + 70 years and to 120 years for works-for-hire or works by corporations , whereas average life expectancy is only 78 years in the U.S. This extreme length of copyright terms means that works created today would not enter the public domain until the year 2082 up to and possibly not until 2130. Also the discrepancy between human lifespan and copyright terms is rather telling.

Extreme copyright terms can have a negative effect on the general public. In the United States if a book were published tomorrow and the author were to die the next day, that book would be protected by copyright for the next 70 years. Meaning that the ideas and points put forth in that creative work would remain accessible only to those willing and able to obtain a license to view said work, thus the contribution of new copyrighted works, to the populace of the U.S. is greatly limited. This limitation of access to new knowledge and points of view does great harm to the people, limiting their knowledge and making knowledge much harder to access. Citizens without a robust and accessible public domain are less informed and have far less content to base their ideas, creations, and inventions on. For example, a book that lays out how to create a basic computer using cheaply available parts was published in 1980, that book would not enter the public domain until the year 2050 at the earliest and could remain copyrighted until the year 2100.

In closing, it becomes clear that copyright terms, having been so extended past their original limits, no longer serve their original purpose. Instead they are now used as a way of controlling the flow of and limiting access to, information. The results are tragic and disconcerting; the ignorance of an entire nation. This issue needs to be addressed with serious well thought out reform with an eye towards the balance between rewarding the creator and promoting access to the creation for the benefit of the U.S. as a whole.