Eldred v. Ashcroft Brief

Prepared by Chanakya Gaur

I. Opening

Case: Eldred v. Ashcroft

Citation: 537 US 186 (2003)

Court: Rehnquist Court

Petitioner - Eldred

Respondent - Ashcroft

Petitioner Advocate – Lawrence Lessig

Respondent Advocate - Theodore B. Olson

Argued Date – October 9, 2002

Decision Date – January 15, 2003

II. Facts

The Copyright and Patent Clause of the US Constitution Article 1 Section 8 states that "Congress shall have Power...to promote the Progress of Science...by securing [to Authors] for limited Times...the exclusive Right to their...Writings”. In 1998, the congress extended the duration of copyrights by 20 years through the Copyright Term Extension Act (CTEA). This meant that copyrights would now be valid from creation to 70 years after the owner’s death. The Petitioners argued that CTEA violated their Copyright clause “limited times” prescription and First Amendment. Additionally, their products and services were built on copyrighted works that have entered the public domain. The petitioners claim that the Congress cannot extend the term for existing copyrights. The District of Columbia Circuit and District Court disagreed.

III. Issue

Is the Congress within its rights to pass the 1998 Copyright Term Extension Act under the Copyright Clause? Does the extension act violate the First Amendment?

IV. Decision

Yes and no.

V. Rationale *-*

The court disagreed with the argument that a copyright once issued is fixed, the majority of the justices said that the CTEA "continues the unbroken congressional practice of treating future and existing copyrights in parity for term extension purposes," which is why it is permissible for the Congress to exercise its power under Copyright Clause. Additionally, the Court also stated that the CTEA's extension for copyrights does not violate the First Amendment as it amounts to a grant that could undermine public interests.

VI. Holding

The Copyright Clause which states that copyrights should be granted for a limited time period does not prevent Congress from modifying the term of all existing copyrights.

VII. Opinion

I agree with the court’s decision as the Petitioner’s interest are clearly profit driven and within the limits of the law the congress has issued an extension which would be better for the owners of the copyright.