

# S. 4

To reform the length of time that authors and other creators have sole exclusive authority upon their works through copyright.

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## IN THE SENATE

NOVEMBER 18th, 2020

Ms. KYOUKO of New York (for herself, Mr. MORALES, Mr. GRAVES)  
introduced the following bill, which was subsequently referred to the Senate.

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## A BILL

To reform the length of time that authors and other creators have sole exclusive authority upon their works through copyright.

*Be it enacted by the Senate and the House of Representatives of the United States in America assembled,*

### **SECTION 1. TITLE.**

This Act may be cited as the “Copyright Reform Act”.

### **SECTION 2. FINDINGS.**

Congress finds that—

- (a) Copyright for an author of intellectual property currently subsists for 120 years or the life of the author in addition to 70 years, whichever is longer.
- (b) Whereas copyright was initially intended to encourage the development of intellectual property, the current state of copyright legislation discourages innovation and building upon existing properties. Rather than protecting the wellbeing of authors and creators, government legislation has protected the interests of businesses in the author’s name, long after the original author’s death.

- (c) The copyright established by the Founding Fathers was of 28 years. This was later extended to 42 years in the Copyright Act of 1831, following significant lobbying. In the Copyright Act of 1976, this was extended to 75 years or the life of the author in addition to 50 years, whichever was longer. In the Copyright Term Extension Act of 1988, this was further extended to 120 years or the life of the author in addition to 70 years, whichever was longer.
- (d) The character of Mickey Mouse, created in 1928 is expected to finally enter the public domain in 2024. After being sold to Disney, Star Wars, created in 1977, is likely to enter the public domain in 2072 at earliest, meaning no-one who viewed the original work will be able to create a derivative work without written express permission from Disney.

### **SECTION 3. AMENDING PRIOR PROVISIONS.**

- (a) IN GENERAL.— 17 U.S.C. § 302 is amended by—
  - (i) striking from its title “on or after January 1, 1978” and replacing in lieu of this with “between January 1, 1978 and December 31, 2020”
  - (ii) striking from subsection (a)(1)(B) “on or after January 1, 1978” and replacing in lieu of this with “inclusively between January 1, 1978 and December 31, 2020”.
- (b) TRANSITIONAL PROVISIONS.— 17 U.S.C. § 302 is amended by—
  - (i) striking from its title “January 1, 1978” and replacing in lieu of this with “a transition in copyright provisions”
  - (ii) appending at its end the following as subsection (c):
    - (c) *Copyright in a work created before January 1, 2021, but not in the public domain nor copyrighted, subsists from January 1, 2021 and endures for the term provided by 17 U.S.C. § 306.*

### **SECTION 4. SHORTENING THE LENGTH OF COPYRIGHT PROTECTIONS.**

- (a) IN GENERAL.— Chapter 3 of U.S. Code Title 17 is amended by appending at its end, the following new section which is heavily based upon 17 U.S.C. § 302:

#### **§ 306. *Duration of Copyright: Works created on or after January 1st, 2021***

- (a) IN GENERAL.— *Copyright in a work created on or after January 1, 2021, subsists from its creation and, except as provided by the following subsections, endures for a term consisting of 42 years.*

*(b) ANONYMOUS WORKS, PSEUDONYMOUS WORKS, AND WORKS MADE FOR HIRE.— In the case of an anonymous work, a pseudonymous work, or a work made for hire, the copyright endures for a term of 42 years from the year of its creation. Any person having an interest in the copyright in an anonymous or pseudonymous work may at any time record, in records to be maintained by the Copyright Office for that purpose, a statement identifying one or more authors of the work; the statement shall also identify the person filing it, the nature of that person's interest, the source of the information recorded, and the particular work affected, and shall comply in form and content with requirements that the Register of Copyrights shall prescribe by regulation.*

## **SECTION 5. IMPLEMENTATION**

**EFFECTIVE DATE.**—The provisions of this Act shall apply immediately upon passage.