



Copyright, Music & *the World*

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Two Meanings of “International”

- **International Law**
 - Not an “*International Copyright*”
 - Instead, *International Sources* of the law
- **Foreign Law**
 - The law of other countries
 - Referenced in U.S. statutes
 - Applied in U.S. court cases

International Sources of Copyright

Berne Convention

World Trade Organization (TRIPs)

Rome Convention (1961)

- **WIPO Treaty (1996)**

Foreign Law in the U.S.

- Is this Work even Protectable?
 - General: Original & Fixed
 - However: Sound Recordings only after 1972
 - However: Foreign S.R.s are “Restored”
- Where is the Foreign Law?
 - Copyright Act, Section 104A
 - Work must be protected under its domestic law at the time of effective restoration

Foreign Law in the U.S.

- How Long does the Copyright Last?
 - Is it a ***Work Made for Hire***?
 - 95 years from publication, or
 - 120 years from creation
 - Determination of WMFH may depend on law of country of origin
- Bonus:
 - “***Rule of the Shorter Term***”

Foreign Law in the U.S.

- What are the Rights of the Owner?
 - General: Reproduction, Distribution, etc.
 - However: Subject to Limitations & Exceptions
 - *However*: Restored Copyrights may not be subject to the First-Sale Doctrine
- Bonus:
 - Foreign Law can determine ownership
 - It can determine “*Works Made for Hire*”

Schmitt Music, Minneapolis

Maurice Ravel, *Gaspard de la Nuit*

