The Copyright Act: A Historical Perspective

The copyright laws of the United States, originally inherited from England, have been significantly revised over the years. This article presents a brief historical perspective of legislative enactments that have been significant in shaping modern copyright law.

The Statute of Anne: English Law

In 1710, Parliament passed a law recognizing the rights of authors, and not merely those of printers and booksellers. The Statute of Anne was the first statute to specifically recognize the rights of authors – and is considered to be the foundation of all subsequent copyright legislation in both the United States and abroad.

1790: First U.S. Copyright Statute

The first federal Copyright Act was enacted May 31, 1790. The 1790 Act granted protection to the author (or his assigns) for any "map, chart or book" for 14 years. The Act also provided a renewal term of 14 or more years, though this renewal term was dependent on the survival of the author throughout the first 14-year term.

The 1790 Act was subsequently revised by a series of amendments in the 1800's. For example, in 1831, Congress extended the first copyright term to 28 years, and granted renewal privileges (for 14 years) exclusively to the author or his widow and children.

The Copyright Act of 1909

The Copyright Act of 1909, with minor amendments, governed U.S. copyright law for nearly 70 years. When enacted, it introduced numerous improvements over prior law. For example, with respect to published works, copyright protection began when the work was published with copyright notice (as opposed to the filing date). In addition, the Act extended the federal copyright term to 56 years (i.e., 28 years from publication, renewable for an additional 28 years).

The Copyright Act of 1976

By changing the method for calculating federal copyright terms, the 1976 Act represented a significant departure from prior copyright law. For certain works, the 1976 Act granted federal copyright protection from the time the work was created, as
opposed to the previous copyright acts, which had granted protection from the time of publication. In addition, the protection for certain works was extended to 50 years after the author's death.

Copyright Term Extension Act of 1998

In 1998, via the Copyright Term Extension Act (CTEA), Congress extended the terms of all existing and future copyrights by 20 years. As a consequence, copyright protection for all works created by identified natural persons now lasts from creation until 70 years after the author's death.

The following is a summary of some of the CTEA's provisions:

- Works published before January 1, 1976 and still in copyright on October 27, 1998: Copyright term extended to 95 years
- Works authored by individuals on or after January 1, 1976 (including new works): Copyright term extended to equal the life of the author plus 70 years
- Works-for-hire, anonymous or pseudonymous works: Copyright term set at 95 years from the date of first publication, or 120 years from creation