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Copyright Revisions

Scientists are both producers and users of much copyrighted material. Their rights in both capacities will be substantially altered by a sweeping reform of U.S. copyright law that is planned for enactment next year. The U.S. Copyright Office has prepared a comprehensive new bill that has been introduced into Congress as H.R. 11947 and S. 3008. As the first wholesale revision in over half a century, the new bill sweeps away distinctions between copyright and literary rights and the confusion arising from varying practices under common law and state laws. It covers not only written material but also films, sound recordings, and works of art.

An equitable copyright law must balance the rights of authors and the rights of users. The author needs reasonable protection for his creation. The user needs access to that work without undue restriction. The proposed law would clarify both sets of rights and would extend materially the protection authors enjoy under current provisions.

As examples: (i) copyright would exist from the time of creation of the new work, whether published or not and whether registered or not; (ii) copyright would endure for the lifetime of the author plus 50 years, instead of for the present maximum of 56 years; (iii) if the work were published in a collective work—such as an issue of *Science*—the copyright would clearly belong to the author, not to the publisher; and (iv) an author could transfer his copyright to someone else, but the transfer would not be permanent, for he (or his heirs or legal representatives) could terminate the transfer after 35 years.

Most authors will like these favorable provisions, but controversy will arise over other provisions, for publishers, printers, purveyors, and users will also be affected, and their interests are not always the same as the authors'. One section on which lively debate has already started is the "fair use" provision, concerning the right to make copies of copyrighted material. It is clear that one can copy or can quote copyrighted material "to the extent reasonably necessary or incidental to a legitimate purpose such as criticism, comment, news reporting, teaching, scholarship, or research." But can he make several copies for use by students? A number of educational organizations fear that the proposed rule would prohibit even limited reproduction for teaching purposes and would greatly restrict educational broadcasting privileges. They are therefore advocating liberalization of this provision. On the other hand, some publishers contend that educational groups are seeking such unrestricted freedom to reproduce copyrighted material in quantity as to threaten established publishing practices and the incentives for authors and publishers on which those practices are based.

The purpose of introducing the bill into Congress now is to invite comment on its debatable aspects. Early next year the present version will be replaced by a bill modified to take account of the advice, criticisms, and suggestions that the Registrar of Copyrights receives this year.—DAEL WOLFLE