

Who Owns the Copyright to Published Works?

General concepts

The issue of who owns the copyright to a published work can be complex, with no straightforward answers. When you open a book or look at a magazine, you're looking at the result of many different ownership structures and publishing contracts. These include exclusive ownership by the author, exclusive ownership by the publisher, to various mixed situations.

U.S. Law: Who owns the copyright?

In the United States, the Copyright Act (Title 17 US Code) states that intellectual property belongs to the author, unless otherwise specified in a publishing contract. There are, however, various ways in which this default situation can change.

Industry practices

A more common method that publishers use to acquire copyrights over published material is by outlining in their publishing agreement an exchange for a lump sum and/or a percentage of the sales. Alternatively, an author might just license the work to the publisher.

Duration of copyright protection

Copyright ownership between the author(s) and the publisher also impacts the duration of the copyright, depending on whether the right originated from a person or from a business or legal entity. For works created after January 1st, 1978, the Copyright Act states that the duration is for the life of the author plus 70 years.

The Curious case of “copyright orphans”

With the 1978 reform of the Copyright Act, parties no longer need to publish the work to obtain the copyright. "Copyright orphans", or situations in which the copyright has not expired but it is very difficult or impossible to find out who owns it, makes it so one either has to renounce it all together or to go on with the risk of being subject to legal actions from the legitimate owners.