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Publications

"WHAT'S MINE IS MINE: WHY SOUND RECORDINGS SHOULD NEVER BE CONSIDERED WORKS MADE FOR HIRE," NYSBA ENTERTAINMENT, ARTS AND SPORTS LAW JOURNAL

"Should sound recordings be added to the list of specially commissioned works that may be defined as works made for hire?" Dustin Osborne, associate in the Workers' Compensation Practice Group, looks at the question that's arisen in courtrooms across the country since copyright terminations began vesting in 2013.

In 1978, sound recordings became protected under the Copyright Act, which allows artists and their heirs to reclaim copyrights 35 years after a contractual license or transfer. In light of the law, recording companies preferred to classify artist work as "work made for hire," which would permanently terminate the artist's copyrights. This lead to intellectual property disputes between artists and recording companies beginning in 2013 as the first wave of sound recordings came up for copyright termination.

"After reviewing the pertinent law, the legislative and common law history of this contention, and the Congressional intent to emphasize the value of predictability in copyright ownership, the stronger case can be made that sound recordings do not currently fall under the definition of 'work made for hire' under the 1976 Copyright Act," writes Dustin. "It should never again be considered as such."

Read the article here:

> Author, "What's Mine is Mine: Why Sound Recordings Should Never Be Considered Works Made for Hire," *NYSBA Entertainment, Arts and Sports Law Journal*, Spring 2017

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