

ABSTRACT

Fairness and Authors Reversion Rights

Paul J Heald
Richard W. and Marie L. Corman Research Professor
University of Illinois

Many jurisdictions provide for the reversion of copyright from an original transferee back to an author after the passage of a set period of time. The primary rationale for reversion is fairness to authors, but do these schemes really help authors bring their works back into print? This study compares the availability of books whose copyrights are eligible for statutory reversion under US law with books whose copyrights are still exercised by the original publisher. It finds that 17 USC § 203, which permits reversion to authors in year 35 after publication, and 17 USC § 304, which permits reversion 56 years after publication, significantly increase in-print status for important classes of books. Several reasons are offered as to why the § 203 effect seems stronger. The 2002 decision in *Random House v. Rosetta Books*, which worked a sudden *de facto* reversion of ebook rights to authors, has an even more positive effect on in-print status than the statutory schemes.