

Postcard for the Public Domain
Copyright Reform: the Stagnation of the Public Domain

On January 15th, 2003, the United States Supreme Court rejected a constitutional challenge to the 1998 Copyright Term Extension Act (aka the Sonny Bono Act) which had been brought by a coalition of on-line, academic, and public domain publishers. At stake was the future growth of the public domain -- the body of work which is freely available for use by the public without license or fee. Under the Sonny Bono Act, now secure as the law of the land, growth in the public domain will be virtually nonexistent until 2018. Cabinet decided to compare the public domain we now have with the one which would have existed had Congress not begun the series of copyright extensions (starting in the 1960's) that culminated with the 1998 act. This chart graphically depicts the price paid by the public for those extensions. By 2030, a total of fourteen and a half million works will be restricted by copyright which would otherwise have passed into the public domain. In other words, by 2030 the public domain will be less than half the size than it would have been under the copyright laws of just a few decades ago.

We were impressed by these results. We've printed them on this handy, oversized postcard so you can tack it to your wall or mail it to your friends. Better yet, if Congress tries to extend the term of copyright yet again, write an angry note on the back and mail it to your representative.

Prepared by Jay Worthington. Design by Luke Murphy.

Sources: Barbara Ringer, Study No. 31, Renewal of Copyright (June, 1960). Martin A. Roberts, Records in the Copyright Office Deposited by the United States District Courts Covering the Period 1790-1870 (1939). Annual Report of the Register of Copyrights, 2001, Appendix: Registrations, 1790-2001 (2001). Note: Two simplifying assumption were made in the preparation of this chart: only works registered with the copyright office were included in this chart, and all works were assumed to be protected for the period granted to corporate copyright holders. Neither assumption should meaningfully affect the results.

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