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AES Audio Engineering Society - Pacific Northwest Section

Around the Puget Sound, Seattle, Washington, U.S.A.

**Termination Rights:
How Artists May be Able to Undo Old Deals
and Reclaim Copyrights
with
Michael Matesky II
Associate
Christensen, O'Connor, Johnson, Kindness**

**Presented by
AES Pacific Northwest Section**

**Opus 4 Studios, Bothell, WA
7:30pm, Thursday, November 8th, 2012**

In this presentation, intellectual property attorney Mike Matesky will discuss the rising tide of artists attempting to reclaim their copyrights through use of so-called "termination rights." Mr. Matesky will explain a unique provision of the Copyright Act (17 U.S.C. § 203) that allows authors who transfer their copyrights to get a "do-over" 35 years after the fact.

Under the current Copyright Act, which went into effect in 1978, an author can essentially revoke their transfer of copyright 35 years after the fact. So, even if an author agreed to transfer his or her copyright to someone else in exchange for royalties, 35 years later the author can ask for a do-over. Since we are just now approaching the 35-year mark after this provision went into effect, it is becoming a bigger issue for artists who had success in the late 70s and early 80s.

Mr. Matesky will discuss arguments regarding whether termination rights apply to a typical recording artist, and will also discuss how these considerations apply to parties currently entering into music or recording agreements, both from the perspective of individuals creating the works and the parties paying for their creation.

More reading for the terminally curious

[Wikipedia](#)

[Circular 92](#), pertaining to US Copyright law and related laws in Title 17 USC

[Wikipedia](#) - US federal copyright legislation

There are more references at the end of the Wikipedia article cited above.

About the Presenter

Mr. Matesky is an attorney at Christensen O'Connor Johnson Kindness PLLC, and provides intellectual property advice and representation to clients of all sizes operating in various industries. Mr. Matesky represents clients involved in a wide variety of intellectual property disputes and litigation, and also counsels clients regarding trademark prosecution, domain name and internet issues, and contracts touching on all aspects of intellectual property, with a particular interest in arts and entertainment matters.

[COJK Attorney's page](#)

Dave Tosti-Lane

AES PNW2012-2013 Section Chair

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