

Copyright law endorsed

Supreme Court ruling is Disney victory

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The U.S. Supreme Court ruled in favour of lengthier copyrights protecting the profits of songs, books and animated characters' figures — a major victory for entertainment companies like **Walt Disney Co.**

The 7-2 decision ends a challenge to the 1998 Copyright Term Extension Act, which lengthened the copyright companies can hold on artistic material to 95 years from 75.

Copyrights held by individuals now run until 70 years after a person's death.

"Satisfied that Congress acted rationally, we are not at liberty to second-guess the wisdom of Copyright Term Extension Act," said Justice Ruth Bader Ginsburg in a bench statement.

Justice Ginsburg added that the law "does not run afoul of the First Amendment."

The challenge was brought in 1999 by Eric Eldred, a New Hampshire Web hobbyist who is building a free Internet library, and Dover Publications Inc., which produces commercial editions of public-domain works.

The Supreme Court's opinion backing the congressional changes marks a win for Walt Disney which holds publishing copyrights valued at billions of dollars.

Disney was a primary proponent of the 1998 changes.

The decision in the case affirmed a lower-court decision by the U.S. Court of Appeals for the District of Columbia, which ruled 2-1 against the challengers in 2001.

The Supreme Court decision aligns the U.S. copyright-protection regime more closely with that of its major trading partner, the 15-nation European Union.

In fact, among the reasons for extending U.S. copyright protection in 1998, Congress specifically cited longer copyright terms enjoyed by authors in Europe.

And Justice Ginsburg, writing for the majority, also mentioned Congress's effort to harmonize the U.S. law with that of the EU.

In 1993, as part of its larger drive to bring Europe's panoply of trade rules closer together, the EU head office set a uniform copyright protection regime for its member nations.

All works would be protected for 70 years after the death of the author, mandating European coun-

tries, most of which still had a 50-year rule on the books, to enact stricter copyright protection.

The new EU decree essentially adopted the German law, which at the time was one of the most rigorous copyright laws in the world.

The 1998 U.S. law, upheld by the Supreme Court, also raised the U.S. copyright term to 70 years from 50.

Yet, despite this convergence, the U.S. and the EU continue to have entirely different approaches in protecting copyrights owned by corporations, such as Disney's Mickey Mouse cartoon.

U.S. law, with the 1998 congressional revision, sets the shelf life of corporate copyrights at 95 years.

The EU, however, has no separate rules for copyrights held by companies and instead applies the same rules used for individual authors.

So as far as Europe is concerned, when an author creates a work while in the employ of a company, the copyright will last for 70 years after the death of the author, not for 95 years since the creation, as would be the case in the U.S. Legal experts say it is hard to compare which regime is more favourable because much depends on how long the author lives after he creates something for a company.