A transfer (other than by will) or license of a copyright interest may be terminated, notwithstanding any agreement to the contrary. Termination requires notice to the grantee during a very specific window of time.

**TERMINATION OF A GRANT OF A COPYRIGHT TRANSFER OR LICENSE**

17 U.S.C. §§ 203, 304
37 CFR § 201.10

**Is the work a work for hire?**

- YES: Termination provisions do not apply
- NO: *Is the author (A) living?*

**Is the author (A) living?**

- YES: **17 U.S.C. 304(c)**
  - TS = original © date + 56
- NO: **17 U.S.C. 304(c)(1)**
  - TS = © date + 75

**Grant of Transfer or License* before Jan. 1, 1978?**

  - © before Oct. 27, 1937?
    - YES: TS = © date + 75
    - NO: © in renewal term as of Oct. 27, 1998 and termination not yet effected?
      - YES: TS = grant + 35
      - NO: TS = original © date + 56

**Grant executed by 2 or more authors?**

- YES: Termination applies to the extent of terminating author’s share in the ownership
- NO: **17 U.S.C. 304(c)(3)**

**Grant covers publication?**

- YES: Termination may be effected on an effective date (ED) between TS and TS + 5, notwithstanding any agreement to the contrary.
  - Must be signed by grantor or survivor, if other than author. If granted by author(s), then must be signed by owner(s) of majority of termination interest.
  - Must be recorded in Copyright Office before ED. Etc.
- NO: Termination of grant requires action by majority of granting authors

**Grant of Transfer or License on or after Jan. 1, 1978**

- YES: Termination may be effected on an effective date (ED) between TS and TS + 5, notwithstanding any agreement to the contrary.
  - Must be signed by owner(s) of majority of termination interest.
  - Must be recorded in Copyright Office before ED. Etc.
- NO: Termination of grant requires action by majority of granting authors

**TS** refers to the Termination Start date, the earliest date on which termination may be made effective.

**©** before Oct. 27, 1937?

- YES: © date + 75
- NO: © before Oct. 27, 1998 and termination not yet effected?

**TS** = earlier of · publication + 35; or · grant + 40

**Notice must be served on grantee between ED-10 and ED-2.**

- Must be signed by grantor or survivor, if other than author. If granted by author(s), then must be signed by owner(s) of majority of termination interest.
- Must be recorded in Copyright Office before ED. Etc.

**Agreement as to further grant may be made with original grantee. Agreement as to a grant to another party may be made only after ED.**

Derivative work prepared before termination may continue to be utilized, but no new derivative work may be prepared.

* OF A WORK SUBJECT TO A COPYRIGHT SUBSISTING IN EITHER ITS FIRST OR RENEWAL TERM

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