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TERMINATION OF TRANSFER

Information and Templates for Notices of
Termination Under § 203 and § 304(c)



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Not legal advice: This information and notice of termination templates provide general information for authors who are seeking to exercise their termination rights under [Section 203](#) or [Section 304\(c\)](#) of the Copyright Act. While this resource provides general information about notice of termination and compliance with the accompanying regulation, this resource does not apply this information directly to any individual author's specific situation. Accordingly, this resource is not legal advice, nor does using this tool create an attorney-client relationship. Please consult an attorney for help applying the information here to your specific facts.

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NOTICE OF TERMINATION OF TRANSFER INFORMATION AND TEMPLATES

INTRODUCTION

Termination of Transfer Background

Are you an author with works published 35 or more years ago? Are you interested in recapturing rights that you might have signed away in a decades-old publishing contract? Would you like to give your works a second life, for example by releasing them to the public online for free or by making new commercial uses? If so, you've come to the right place! U.S. copyright law provides authors with the chance to regain rights transferred many years in the past. These “termination of transfer” provisions were created by Congress to benefit authors, and the opportunity can't be bargained away—in the U.S., these provisions actually override any contract language to the contrary.

These rights are powerful, but understanding when and how to exercise them can be complicated. Fortunately, we're here to help. Our online [Termination of Transfer Tool](#), developed in partnership with Creative Commons, helps authors understand the eligibility and timing requirements for terminating transfers. And the templates below can be used to effectuate a termination right.

We've provided these tools to empower authors to understand and take advantage of termination of transfer provisions.

Let's Get Started

- If you haven't yet used our online [Termination of Transfer Tool](#) at rightsback.org, we encourage you to do so as a first step. The tool helps authors understand when works might, in fact, be eligible for a termination of transfer and, if so, under which section of the Copyright Act. The tool is free and easy to use, so give it a try!
- If your work is eligible for termination, one of the notice of termination templates below can help with next steps. In order to effectuate a termination right, authors must serve notice on the party whose grant is being terminated and submit a copy of that

notice of termination to the U.S. Copyright Office. While the Copyright Office does not provide a form for authors to use to serve notices of termination, these templates are designed to meet the requirements set forth in the Copyright Office's regulations, which can be found at [37 C.F.R. § 201.10](#).

Who Should Use These Templates?

These templates are for authors who wish to exercise their termination rights under [Section 203](#) or [Section 304\(c\)](#) of the Copyright Act.

These templates are designed for simple termination cases. As such, these forms should only be used if:

- the work has only one author, or, if more than one author, a majority of authors have agreed to terminate the transfer;
- the notice of termination involves only one copyrighted work (one book, one article, one painting, etc.);
- the work does not contain multiple copyrights;¹
- all authors are currently alive; AND
- the work was copyrighted on or after Oct. 27, 1939.

These templates should not be used if:

- the work has multiple authors and a majority do not agree on whether to terminate the transfer;
- the notice of termination involves multiple works (more than one book, article, works of art, etc.);
- there are multiple copyrights within the work;²
- one or more author of the work is not alive; OR
- the work was copyrighted before Oct. 27, 1939.

Which Template Should I Use?

Because each section has slightly different requirements for notice of termination, we provide two separate notice of termination templates below. Broadly speaking, Section 203 covers works where a grant of rights was made by an author on or after January 1, 1978. Section 304(c) covers works that were under copyright on January 1, 1978, where the grant of rights was made by an author before January 1, 1978. This can be complicated to figure out, so we suggest using our [Termination of Transfer Tool](#) to help understand which section might apply.

What Should I Do After Completing a Notice of Termination?

The notice of termination must be served upon each grantee whose rights are being terminated, or the grantee's successor in title.³ The Copyright Office requires a "reasonable investigation" to make sure the original parties who received the grant are still the current rights holders.⁴ According to the Copyright Office, a search of the copyright records is a minimum requirement for a reasonable investigation.⁵ The Copyright Office also requires a "reasonable investigation" to determine the last known address of the grantee or successor in title.⁶ The notice of termination should be served on the grantee(s) (or the grantee(s)' successor in title) by first class mail or by personal service.⁷

Once the notice of termination template has been completed and served upon each grantee (or grantee's successor) whose rights are being terminated, a copy of the notice of termination needs to be submitted to the Copyright Office for recordation. The copy must include the actual signatures (or reproduction of the actual signatures) that appeared on the notice. No matter how many grantees were served, the Copyright Office only needs one copy of the notice of termination.⁸

In addition to the notice of termination, the Copyright Office requires parties terminating a transfer to submit [Form TCS](#) (which includes a statement with the date on which the notice was served and the manner of service)⁹ and payment for the recordation fee.¹⁰ The fee is currently \$105 for a single termination. The Copyright Office accepts payment in the form of a check or money order payable to Register of Copyrights.

The copy of the notice of termination, [Form TCS](#), and fee should be mailed to the Copyright Office at:

U.S. Copyright Office, Notices of Termination
P.O. Box 71537
Washington, DC 20024-1537

As of March 2018, the processing time for recording notices of termination of transfers is 3 months.

Important Note: The Copyright Office's recordation of a notice of termination does not give immunity from any type of litigation; a party receiving the notice of termination could still challenge the termination.

NOTICE OF TERMINATION UNDER § 203

Instructions

Section 1: The Copyright Office requires the notice of termination include a statement that the grant is being terminated pursuant to Section 203 of the Copyright Act.¹¹ Since this template is for authors who wish to exercise their termination rights under [Section 203](#), this statement is already populated.

Section 2: The Copyright Office requires the names of every person or company who currently holds the rights to the work being terminated (the “grantee” or “grantee’s successor in title”), as well as each address at which the notice is being served.¹² These are the parties whose rights are being terminated. If this includes more than four parties, Schedule A provides room to add additional parties. See page 3 for additional information about requirements related to the identity and address of the grantee(s).

Section 3: The Copyright Office requires the following information about the work covered by the agreement being terminated:

- **Title of Work and Registration Number:** The notice of termination must include the title of the work to which the termination applies.¹³ If possible and practicable, the notice of termination should also include the original copyright registration number. For works registered after January 1, 1978, the Copyright Office provides a search engine on its website that can be used to find a registration number.¹⁴ For works registered before 1978, records are available in the Copyright Public Records Reading Room in Washington, D.C. For an hourly fee, the Copyright Office staff can also search the records for you.
- **Author(s):** The notice of termination must include the name of the author or authors who made the original transfer.¹⁵
- **Publication Date:** If the original grant included publication rights, the notice of termination must include the publication date.¹⁶
- **Effective Date of Termination:** The notice of termination must also include the date the termination will go into effect.¹⁷ The date of termination must be within the termination window provided by the Copyright Act and between two and ten years after notice has been

served.¹⁸ (The [Termination of Transfer Tool](#) can help identify the termination and notice windows.)

- **Description of Grant:** The notice of termination must also include a description of the grant being terminated.¹⁹ This must include the date the grant was executed and the title of the grant.²⁰ (For example, “Publishing Agreement between Annie Author and Publisher dated January 31, 1980”). The Office also requests any other identifying information that may help it locate the original grant.

Important Note: If the rights to the work were granted prior to 1978, but the work was not created until after January 1, 1978, the date the work was created should be listed instead of the date the grant was executed.²¹

Section 4: Any notice of termination requires the signature and address of the author or author(s) terminating the grant, or a signature of the author(s)' authorized agent.²² In the case of multiple authors, the signatures must represent a majority of the authors. If the notice of termination is signed by an agent(s), each agent must identify the author on whose behalf she is acting.²³

Template

Notice of Termination of Transfer or License Under Section 203

1. I affirm this termination is made pursuant to 17 U.S.C. § 203.

2. Name and address of each grantee whose license or transfer is being terminated:

Name	Address where notice is being served

Continued on Schedule A

3. Work covered under the agreement being terminated:

Title of work and registration number (if practicable)	Author(s) who executed the grant being terminated	Publication date (if original grant included publication rights)

Effective date of termination	Description of grant being terminated (title of agreement or other info sufficient to identify grant), including date of execution of grant

4. Signatures:

Name: _____

Address: _____

Relationship(s) to author: (self / agent)

If agent, acting on behalf of:

Signature

Date

Name: _____

Address: _____

Relationship(s) to author: (self / agent)

If agent, acting on behalf of:

Signature

Date

Name: _____

Address: _____

Relationship(s) to author: (self / agent)

If agent, acting on behalf of:

Signature

Date

Name: _____

Address: _____

Relationship(s) to author: (self / agent)

If agent, acting on behalf of:

Signature

Date

NOTICE OF TERMINATION UNDER § 304(c)

Instructions

Section 1: The Copyright Office requires the notice of termination include a statement that the grant is being terminated pursuant to Section 304(c) of the Copyright Act.²⁴ Since this template is for authors who wish to exercise their termination rights under [Section 304\(c\)](#), this statement is already populated.

Section 2: The Copyright Office requires the names of every person or company who currently holds the rights to the work being terminated (the “grantee” or “grantee’s successor in title”), as well as each address at which the notice is being served.²⁵ These are the parties whose rights are being terminated. If this includes more than four parties, Schedule A provides room to add additional parties. See page 3 for additional information about requirements related to the identity and address of the grantee(s).

Section 3: The Copyright Office requires the following information about the work covered by the agreement being terminated:

- **Title of Work and Registration Number:** The notice of termination must include the title of the work to which the termination applies.²⁶ If possible and practicable, the notice of termination should also include the original copyright registration number.²⁷ For works registered after January 1, 1978, the Copyright Office provides a [search engine on its website](#) that can be used to find a registration number. For works registered before 1978, records are available in the Copyright Public Records Reading Room in Washington, D.C. For an hourly fee, the Copyright Office staff can also [search the records for you](#).
- **Author(s):** The notice of termination must include the name of the author or authors who made the original transfer.²⁸
- **Date Copyright was Secured:** The notice of termination must include the original date the work was copyrighted.²⁹
- **Effective Date of Termination:** The notice of termination must also include the date the termination will go into effect.³⁰ The date of termination must be within the termination window provided by the Copyright Act and between two and ten years after notice has been served.³¹ (The [Termination of Transfer Tool](#) can help identify the termination and notice windows.)

- **Description of Grant:** The notice of termination must also include a description of the grant being terminated.³² This may include the date the grant was executed and the title of the grant. (For example, “Publishing Agreement between Annie Author and Publisher dated January 31, 1980”). The Office also requests any other identifying information that may help it locate the original grant.

Section 4: Any notice of termination requires the signature and address of the author or author(s) terminating the grant, or a signature of the author(s)’ authorized agent.³³ In the case of multiple authors, the signatures must represent a majority of the authors. If the notice of termination is signed by an agent(s), each agent must identify the author on whose behalf she is acting.³⁴

Template

Notice of Termination of Transfer or License Under Section 304(c)

1. I affirm this termination is made pursuant to 17 U.S.C. § 304(c).
2. Name and address of each grantee whose license or transfer is being terminated:

Name	Address where notice is being served

Continued on Schedule A

3. Work covered under the agreement being terminated:

Title of work and registration number (if practicable)	Author(s) who executed the grant being terminated	Date copyright was secured

Effective date of termination	Description of grant being terminated (title of agreement, date, or other info sufficient to identify grant)

4. Signatures:

Name: _____

Address: _____

Relationship(s) to author: (self / agent)

If agent, acting on behalf of:

Signature

Date

Name: _____

Address: _____

Relationship(s) to author: (self / agent)

If agent, acting on behalf of:

Signature

Date

Name: _____

Address: _____

Relationship(s) to author: (self / agent)

If agent, acting on behalf of:

Signature

Date

Name: _____

Address: _____

Relationship(s) to author: (self / agent)

If agent, acting on behalf of:

Signature

Date

ENDNOTES

¹Some works contain multiple copyrights. For example, a book with pictures may involve a copyright on the text of the book and a separate copyright for each picture; a song recording has separate copyrights in the written music/lyrics and the recording itself; movies may involve an even more complicated bundle of copyrights depending on what works and sounds are depicted. These works have many layers of copyright and multiple licensing schemes, and termination only applies to the authors' assignment of their own copyrights. Because of the complexity of these situations, we strongly recommend that authors with an interest in a work that contains multiple copyrights consult an attorney.

² See note 1.

³ 37 C.F.R. § 201.10(d)(2).

⁴ 37 C.F.R. § 201.10(d)(3).

⁵ 37 C.F.R. § 201.10(d)(4).

⁶ 37 C.F.R. § 201.10(d)(1).

⁷ *Id.*

⁸ 37 C.F.R. § 201.10(f)(1)(i).

⁹ 37 C.F.R. § 201.10(f)(1)(ii).

¹⁰ 37 C.F.R. § 201.10(f)(2).

¹¹ 37 C.F.R. § 201.10(b)(2)(i).

¹² 37 C.F.R. § 201.10(b)(2)(ii).

¹³ 37 C.F.R. § 201.10(b)(2)(iv).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ 37 C.F.R. § 201.10(b)(2)(iii).

¹⁷ 37 C.F.R. § 201.10(b)(2)(vi).

¹⁸ 17 U.S.C. § 203(a)(4)(A).

¹⁹ 37 C.F.R. § 201.10(b)(2)(v).

²⁰ 37 C.F.R. § 201.10(b)(2)(iii).

²¹ 37 C.F.R. § 201.10(f)(5).

²² 37 C.F.R. § 201.10(c)(3).

²³ 37 C.F.R. § 201.10(c)(4).

²⁴ 37 C.F.R. § 201.10(b)(1)(i).

²⁵ 37 C.F.R. § 201.10(b)(1)(ii).

²⁶ 37 C.F.R. § 201.10(b)(1)(iii).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ 37 C.F.R. § 201.10(b)(1)(v).

³¹ 17 U.S.C. § 304(c)(4)(A).

³² 37 C.F.R. § 201.10(b)(1)(iv).

³³ 37 C.F.R. § 201.10(c)(3).

³⁴ 37 C.F.R. § 201.10(c)(4).

