



## **Eldred v. Ashcroft and Copyright Term**

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NEW YORK, NY, March 27, 2002 - A case has recently been accepted for review by the United States Supreme Court. The case, Eldred v. Ashcroft, is the one of a series of battles over the very concept of copyright law in the United States. Like the Napster case, which sought to make all music public domain, this case continues that erosion by seeking to further strip copyrights from illustrators, photographers, and other creative artists who depend on this protection for their livelihood.

The Eldred case seeks to overturn the congressional Sonny Bono Copyright Term Extension Act passed into law in 1998 and to carve 20 years off of the copyright limit for all copyright holders. Eldred v. Ashcroft is a misguided assault on copyright protection for the individual artists. It is the Graphic Artists Guild's desire that the Supreme Court rule against this case and keep copyright alive and strong for individual creators and continue to promote creative excellence that this country is built upon.

Artists are going out of business. Not because of the current economic conditions, or their business practices, but due to the very law of copyright, established and designed to protect the creator. Copyright is becoming an enforceable protection only for the biggest, most powerful corporations. The creators, the ones copyright law was supposed to protect, are either forced to sign repressive, un-negotiable contracts by huge publishing corporations and lose all copyright, or go hungry for standing up for their rights.

In the past, artists sold their work for a one-time use for publications then would resell their work for other uses. This would provide a lucrative secondary market for their work. Today, huge publishing conglomerates, like Condé Nast for example, use a single, non-negotiable contract for all their publications, demanding that artists they hire sign away all rights with no further compensation. This increasingly lucrative secondary market is being systematically stripped from the artist, creating massive visual libraries offered for sale by the large publishing conglomerates. Presume, if artists do not sign a contract that these major companies offer and try to negotiate their work with their own contracts. The end results are that the contract and artists typically get frozen from the work and the artist is left unemployed. If you do not play by the rules the big 'players' insist upon, the artist and his/her work is left in the cold and their career in jeopardy.

Another copyright concern is the Internet. Web surfers and many companies assume that all content on the web is free use and not protected by copyright. Even though the Napster case proved this incorrect, it still requires money and determined surveillance to police the constant stream of individuals and companies stealing images and essentially robbing the artist of valuable income, further weakening copyright.

Eldred v. Ashcroft is just one in a series of assaults on copyright protection for the individual artist and photographer. We need to draw the line as a society and make certain that copyright law to protect the individual creators that it was designed to protect--not the giant publishing conglomerates that are working to make copyright law for them and them alone. The Guild hopes the Supreme Court will rule against this case and keep copyright strong and to return it to where it belongs: the creator.