MISSION.—The terms ''network station'', ''non-network station'', ''satellite carrier'', and ''secondary transmission'' have the meanings given such terms under section 119(d).

(5) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—The term ''noncommercial educational broadcast station'' means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.

(6) SUBSCRIBER.—The term ''subscriber'' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

(7) TELEVISION BROADCAST STATION.—The term ''television broadcast station''—

(A) means an over-the-air, commercial or noncommercial television broadcast station licensed by the Federal Communications Commission under subpart E of part 73 of title 47, Code of Federal Regulations, except that such term does not include a low-power or translator television station; and

(B) includes a television broadcast station licensed by an appropriate governmental authority of Canada or Mexico if the station broadcasts primarily in the English language and is a network station as defined in section 119(d)(2)(A).

(Added Pub. L. 106–113, div. B, §1000(a)(9) [title I, §1002(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A–523; amended Pub. L. 107–273, div. C, title III, §13210(2)(A), Nov. 2, 2002, 116 Stat. 1909; Pub. L. 108–447, div. J, title IX [title I, §111(b)], Dec. 8, 2004, 118 Stat. 3409; Pub. L. 110–403, title II, §209(a)(5), Oct. 13, 2008, 122 Stat. 4264; Pub. L. 111–175, title I, §103(a)(1), (b)–(f), May 27, 2010, 124 Stat. 1227–1230.)

REFERENCES IN TEXT

Section 397 of the Communications Act of 1934, referred to in subsec. (j)(5), is classified to section 397 of Title 47, Telecommunications.

The date of the enactment of the Satellite Television Extension and Localism Act of 2010, referred to in subsec. (j)(5), is the date of enactment of Pub. L. 111–175, which shall be deemed to refer to Feb. 27, 2010, see section 307(a) of Pub. L. 111–175, set out as an Effective Date of 2010 Amendment note under section 111 of this title.

AMENDMENTS

2010—Pub. L. 111–175, §103(a)(1), substituted ''of local television programming by satellite'' for ''by satellite carriers within local markets'' in section catchline.

Subsec. (a). Pub. L. 111–175, §103(b), amended subsec. (a) generally. Prior to amendment, subsec. (a) related to secondary transmissions of television broadcast stations by satellite carriers.

Subsec. (b)(1). Pub. L. 111–175, §103(c)(1), substituted ''station—'' for ''station a list identifying (by name in alphabetical order and street address, including county and zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a).'' and added subpars. (A) and (B).

Subsec. (b)(2). Pub. L. 111–175, §103(c)(2), substituted ''network—'' for ''network a list identifying (by name in alphabetical order and street address, including county and zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection.'' and added subpars. (A) and (B).

Subsec. (c). Pub. L. 111–175, §103(d), inserted ''for Certain Secondary Transmissions'' after ''Required'' in heading and substituted ''paragraphs (1), (2), and (3) of subsection (a)'' for ''subsection (a)'' in text.

Subsec. (f)(1). Pub. L. 111–175, §103(e)(2)(A), substituted ''section 119, subject to statutory licensing by reason of paragraph (2)(A), (3), or (4) of subsection (a), or subject to'' for ''section 119 or'' in introductory provisions.

Subsec. (f)(1)(B). Pub. L. 111–175, §103(e)(1)(A), substituted ''$250'' for ''$5''.

Subsec. (f)(2). Pub. L. 111–175, §103(e)(2)(A), substituted ''section 119, subject to statutory licensing by reason of paragraph (2)(A), (3), or (4) of subsection (a), or subject to'' for ''section 119 or'' in introductory provisions.

Subsec. (f)(2)(A)(ii), (B)(ii). Pub. L. 111–175, §103(e)(1)(B), substituted ''$2,500,000'' for ''$250,000''.

Subsec. (g). Pub. L. 111–175, §103(e)(2)(B), substituted ''section 119, paragraph (2)(A), (3), or (4) of subsection (a), or'' for ''section 119 or''.

Subsec. (j)(1). Pub. L. 111–175, §103(f)(1), substituted ''that contracts'' for ''which contracts''.

Subsec. (j)(3). Pub. L. 111–175, §103(f)(4), added par. (3). Former par. (3) redesignated (4).

Subsec. (j)(4). Pub. L. 111–175, §103(f)(3), redesignated par. (3) as (4) and inserted ''non-network station;'' after ''Network station;'' in heading and '' 'non-network station','' after '' 'network station','' in text. Former par. (4) redesignated (6).

Subsec. (j)(5). Pub. L. 111–175, §103(f)(5), added par. (5). Former par. (5) redesignated (7).

Subsec. (j)(6). Pub. L. 111–175, §103(f)(6), amended par. (6) generally. Prior to amendment, text read as follows: ''The term 'subscriber' means a person who receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.''

Pub. L. 111–175, §103(f)(2), redesignated par. (4) as (6).

Subsec. (j)(7). Pub. L. 111–175, §103(f)(2), redesignated par. (5) as (7).

2008—Subsec. (d). Pub. L. 110–403, §209(a)(5)(A), struck out ''and 509'' after ''506''.

Subsec. (e). Pub. L. 110–403, §209(a)(5)(B), substituted ''section 510'' for ''sections 509 and 510''.

Subsec. (f)(1). Pub. L. 110–403, §209(a)(5)(C), struck out ''and 509'' after ''506'' in introductory provisions.

2004—Subsec. (j)(2)(D). Pub. L. 108–447 added subpar. (D).

2002—Pub. L. 107–273 substituted ''rights: Secondary'' for ''rights; secondary'' in section catchline.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111–175 effective Feb. 27, 2010, see section 307(a) of Pub. L. 111–175, set out as a note under section 111 of this title.

EFFECTIVE DATE

Section effective July 1, 1999, see section 1000(a)(9) [title I, §1012] of Pub. L. 106–113, set out as an Effective Date of 1999 Amendment note under section 101 of this title.

CHAPTER 2—COPYRIGHT OWNERSHIP AND TRANSFER

§ 201. Ownership of copyright

(a) INITIAL OWNERSHIP.—Copyright in a work protected under this title vests initially in the author or authors of the work. The authors of a joint work are coowners of copyright in the work.

(b) WORKS MADE FOR HIRE.—In the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author for purposes of this title, and, unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright.

(c) CONTRIBUTIONS TO COLLECTIVE WORKS.—Copyright in each separate contribution to a collective work is distinct from copyright in the collective work as a whole, and vests initially in the author of the contribution. In the absence of an express transfer of the copyright or of any rights under it, the owner of copyright in the collective work is presumed to have acquired only the privilege of reproducing and distributing the contribution as part of that particular collective work, any revision of that collective work, and any later collective work in the same series.

(d) TRANSFER OF OWNERSHIP.—

(1) The ownership of a copyright may be transferred in whole or in part by any means of conveyance or by operation of law, and may be bequeathed by will or pass as personal property by the applicable laws of intestate succession.

(2) Any of the exclusive rights comprised in a copyright, including any subdivision of any of the rights specified by section 106, may be transferred as provided by clause (1) and owned separately. The owner of any particular exclusive right is entitled, to the extent of that right, to all of the protection and remedies accorded to the copyright owner by this title.

(e) INVOLUNTARY TRANSFER.—When an individual author's ownership of a copyright, or of any of the exclusive rights under a copyright, has not previously been transferred voluntarily by that individual author, no action by any governmental body or other official or organization purporting to seize, expropriate, transfer, or exercise rights of ownership with respect to the copyright, or any of the exclusive rights under a copyright, shall be given effect under this title, except as provided under title 11.

(Pub. L. 94–553, title I, § 101, Oct. 19, 1976, 90 Stat. 2568; Pub. L. 95–598, title III, § 313, Nov. 6, 1978, 92 Stat. 2676.)

HISTORICAL AND REVISION NOTES

HOUSE REPORT NO. 94–1476

Initial Ownership. Two basic and well-established principles of copyright law are restated in section 201(a): that the source of copyright ownership is the author of the work, and that, in the case of a ''joint work,'' the coauthors of the work are likewise coowners of the copyright. Under the definition of section 101, a work is ''joint'' if the authors collaborated with each other, or if each of the authors prepared his or her contribution with the knowledge and intention that it would be merged with the contributions of other authors as ''inseparable or interdependent parts of a unitary whole.'' The touchstone here is the intention, at the time the writing is done, that the parts be absorbed or combined into an integrated unit, although the parts themselves may be either ''inseparable'' (as the case of a novel or painting) or ''interdependent'' (as in the case of a motion picture, opera, or the words and music of a song). The definition of ''joint work'' is to be contrasted with the definition of ''collective work,'' also in section 101, in which the elements of merger and unity are lacking; there the key elements are assemblage or gathering of ''separate and independent works * * * into a collective whole.''

The definition of ''joint works'' has prompted some concern lest it be construed as converting the authors of previously written works, such as plays, novels, and music, into coauthors of a motion picture in which their work is incorporated. It is true that a motion picture would normally be a joint rather than a collective work with respect to those authors who actually work on the film, although their usual status as employees for hire would keep the question of coownership from coming up. On the other hand, although a novelist, playwright, or songwriter may write a work with the hope or expectation that it will be used in a motion picture, this is clearly a case of separate or independent authorship rather than one where the basic intention behind the writing of the work was for motion picture use. In this case, the motion picture is a derivative work within the definition of that term, and section 103 makes plain that copyright in a derivative work is independent of, and does not enlarge the scope of rights in, any preexisting material incorporated in it. There is thus no need to spell this conclusion out in the definition of ''joint work.''

There is also no need for a specific statutory provision concerning the rights and duties of the coowners of a work; court-made law on this point is left undisturbed. Under the bill, as under the present law, coowners of a copyright would be treated generally as tenants in common, with each coowner having an independent right to use or license the use of a work, subject to a duty of accounting to the other coowners for any profits.

Works Made for Hire. Section 201(b) of the bill adopts one of the basic principles of the present law: that in the case of works made for hire the employer is considered the author of the work, and is regarded as the initial owner of copyright unless there has been an agreement otherwise. The subsection also requires that any agreement under which the employee is to own rights be in writing and signed by the parties.

The work-made-for-hire provisions of this bill represent a carefully balanced compromise, and as such they do not incorporate the amendments proposed by screenwriters and composers for motion pictures. Their proposal was for the recognition of something similar to the ''shop right'' doctrine of patent law: with some exceptions, the employer would acquire the right to use the employee's work to the extent needed for purposes of his regular business, but the employee would retain all other rights as long as he or she refrained from the authorizing of competing uses. However, while this change might theoretically improve the bargaining position of screenwriters and others as a group, the practical benefits that individual authors would receive are highly conjectural. The presumption that initial ownership rights vest in the employer for hire is well established in American copyright law, and to exchange that for the uncertainties of the shop right doctrine would not only be of dubious value to employers and employees alike, but might also reopen a number of other issues.

The status of works prepared on special order or commission was a major issue in the development of the definition of ''works made for hire'' in section 101,