

Sound Recordings

Termination of Rights for Master Recordings to Take Effect

Artists who transferred the rights to their sound recordings in 1978 take note: You may soon be eligible to regain ownership of your recordings under the U.S. Copyright Act of 1976.

The 1976 Copyright Act includes a provision that allows an artist who transferred their rights in a sound recording to a label or other assignee on or after Jan. 1, 1978 to terminate that transfer and recover the rights to their masters 35 years after the date of transfer—but only if the artist gives proper notice. The first year to exercise this right is in 2013.

“It is important now for recording artists to know about their termination rights because in order to exercise these rights, artists must file a notice no later than 10 years and no sooner than two years before the effective date that they wish to reclaim a sound recording,” said AFTRA Associate General Counsel Terrie Bjorklund. “That means in order to be eligible to regain control of a 1978 recording at the earliest time possible, notice must be filed in 2011.”

An artist who transferred the rights of a master recording to a label on, for example, Jan. 1, 1978 would be eligible to regain ownership of that recording 35 years later on Jan. 1, 2013, as long as they filed a notice of termination by Jan. 1, 2011.

While it is suggested that notice be served at the earliest possible date, there is a five-year window connected to the transfer of the copyright and/or the publication date, so more time may be available. However, the notice requirements are stringent and the importance of artists to follow the rules correctly in order to succeed in recovering their copyrights is important. There are many nuances in the law that could potentially impact the reversion of rights for artists’ sound recordings. As with any legal issue, in order to preserve all their rights, an artist should consult with an attorney specializing in this area about their copyright interests.

Some of the rules for filing notice include:

- The notice of termination must be in writing and must state, among other things, the effective date of the termination.
- The notice must be served on the record company or successor. It must then be filed with the U.S. Copyright Office within the correct notice period and contain the proper information.
- Any notice that is not sent in a timely manner or in proper form can result in the forfeiture of an artist’s termination rights.



The purpose of providing termination rights in the 1976 Copyright Act was to protect authors/artists by leveling the playing field between them and the companies to which they transferred their rights in their creative work. The intent was to give typically new young authors the right to recapture their copyrights after 35 years when the value of those copyrights could have significantly increased. It would also put authors in a position to either renegotiate more favorable contracts with publishers or exploit their own copyrighted works.

“This is a complicated area with many unsettled issues,” Bjorklund said. “It is important that artist members who believe they are affected by this law should consult expert attorneys practicing in this area.”

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