

IVAN HOFFMAN, B.A. J.D.
Attorney At Law

*Entertainment, Internet and
Intellectual Property Law*

10736 Jefferson Blvd.
#436
Culver City, CA 90230-4969
(310) 600-9179
e-Fax: (208) 545-0558
email:ivan@ivanhoffman.com
<http://www.ivanhoffman.com>
Lawyering With Integritysm

February 24, 2011

Copyright Office
Library of Congress

RE: Pre-February 15, 1972 Recordings

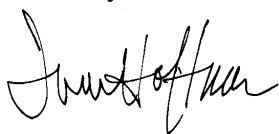
Dear Sir or Madam:

While there may be other reasons to want to change the status quo to make it easier for owners of pre-February 15, 1972 recordings to protect them against parties who might infringe on the owner's rights (to which I would have no objection and would be in favor), any such changes to the status of these recordings must continue to exempt those recordings from the termination of transfer provisions that apply to copyrighted works. As of now, these sound recordings are not subject to these termination of transfer provisions and thus are "safe" from those who would deprive the current owners of their rights to the same.

The "justification" for the termination of transfer provisions has always been quite paternalistic. In no other area of property--intellectual property, real property, personal property--does the law cause rights owners to lose their rights simply to "protect" a party or his/her heirs from the party having made what may or may not have been an unfavorable deal. Remember: the statute does not require a showing that the original deal was a "bad" one or that there was any legal over-reaching involved in the transaction. The statute provides for termination irrespective of how good the deal may have been. We do not take away trademark rights for this reason. We do not take away patent rights for this reason. We do not take away houses, other real estate, cars or other forms of property for this reason. We live in a country in which we at least profess fealty to free market capitalism and yet this set of provisions, as the similar provisions regarding the renewal rights for pre-January 1, 1978 copyrights in songs, books etc. if the author did not survive into the renewal term, seems contrary to the foundations of capitalism.

Thank you for your consideration.

Sincerely,



IVAN HOFFMAN