

**JOHN LONGENECKER
800 470-4602**

August 8, 2008

**Susan Davies
Chief Council on Intellectual Property
Senate Judiciary Committee
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510
Democratic Phone: (202) 224-7703
Scott Wilson, legislative staff assistant
email: info@judiciary-dem.senate.gov -
site: <http://judiciary.senate.gov/>**

Re: Copyright Ownership by Students at Universities

Dear Susan Davies:

I am member of the Alumni of the University of Southern California (USC). I attended what is now the USC School of Cinematic Arts (USC Cinema). USC and other Universities seek to own the Copyright to the Story • Treatment • Script • Short Films made by film students -- through school policy, not allowing a film student to own the copyright to their original works of authorship.

In the 2008 Fall semester at USC, I am seeking to inform the Dean of USC Cinema about the importance of U.S. Copyright Law. Topics include: U.S. Copyright Law definitions and provisions like: an Author, an Original Work of Authorship, Exclusive Rights, a Derivative Work, U.S. Copyright Office Registration, Copyright Claimant, Copyright Ownership, Copyright Transfer, a work for hire.

At USC Cinema no information is provided to new film students about U.S. Copyright Registration for an original Story • Treatment • Script • Short Films. The is no instruction at USC Cinema about U.S. Copyright Law.

Copyright Policy by Consensus

I have learned that USC creates University copyright policies by consensus - not based on U.S. Copyright Law. In 2001 the University Academic Senate / selected faculty members created a copyright policy document by consensus. Later, in 2007 USC Cinema created a copyright consent form of its own by the consensus of faculty and students not versed in U.S. Copyright Law

The USC 2001 and 2007 copyright policy document provisions include:

2001 USC Copyright Policy

- "The University owns the underlying intellectual property in the student works**
- The University owns the copyright in any student-produced film**
- such works typically require significant use of University resources**
- cameras - editing devises and other equipment and facilities"**

2007 USC copyright consent form

- "prior to starting classes, students will be required to sign a hard-copy version of this document**
- In general, intellectual property in any work produced at USC that uses substantial University resources is owned by USC and protected under USC copyright**
- this applies to most media, films and other audio visual works**
- Student-Produced Works that use**
- SCA (USC Cinema) funds**
- equipment**
- guild agreement (actors: Screen Actors Guild)**
- insurance (workman's comp. insurance)**
- insurance (errors & omissions insurance)**
- though USC may own copyright rights to a Student-Produced work... the student retains ownership of the intellectual property rights to the underlying script, idea, treatment, concept to other written work product ("Underlying Rights")**
- if you later develop a feature, television show... related to a Student-Produced Work that you created in class... then you and your fellow creators will hold the rights entirely to any such new work"**

As I understand it, Copyright Ownership has to do with an Author and an Original Work of Authorship. The key provisions of the USC policies have little to do with U.S Copyright Law: University resources - cameras - editing devises - equipment - supplies - funds - guild agreements - insurance.

Recently, USC has understood the US. Copyright concepts of: a) a work for hire; and b) copyright transfer.

In a prior 1998 USC Cinema document, that is no longer used, students signed a copyright related document with respect to their short films with provisions such as: "The Picture and any portion thereof, shall be considered materials furnished by Student pursuant to the specific commission of USC and 'works made for hire' as that term is used in the United States Copyright Act. 17 U.S.C. §101 • In the event that the Picture is deemed not to be a work for hire for any reason, Student does hereby assign, convey, and transfer unto USC, and its successors and assigns, all right, title, and interest in and to the Picture, or any portion thereof, and to the copyright thereto, all rights of registration and renewal of registration, all rights to create derivative works and all rights of recovery and of legal action for past infringements to USC and Student hereby waives any right of droit moral or similar right to object thereto."

As mentioned, that agreement document is no longer used by USC Cinema but shows the University does understand a) a work for hire; and b) copyright transfer.

**In the 2007 USC Cinema document, there is no provision for:
a) a work for hire
b) a copyright transfer.**

So, I do not see that USC has applied U.S. Copyright Law to their 2001 and 2007 copyright policy documents that are now in effect.

I Am Seeking a Letter

I am seeking a letter of clarification about U.S. Copyright Law from the Senate Judiciary Committee. A letter would be so helpful in our efforts to have USC Cinema student filmmakers own the Copyright to their original Story • Treatment • Script • Short Films.

The topics I am seeking in the letter are simple:

- U.S. Copyright Law is available at Copyright.gov**
- U.S. Copyright Law governs the copyright policy of Universities in the U.S.A.**
- University copyright policy written by consensus must follow U.S. Copyright Law.**
- and U.S. Copyright Law facts and details to help inform the readers of the letter.**

There is some urgency, 2008 Fall semester USC Cinema film students will be required to sign the 2007 consent form the week of August 18, 2008.

Thank you,

**JOHN LONGENECKER
124 South Elm Drive 3
Beverly Hills CA 90212
800 470-4602
email: JL.Company@mac.com |**

Fax: 310 246-1841

Related Links:

**2007 USC Cinema copyright consent form
- <http://copyrightusc.com/2007-Policy.html> -**

**2001 USC document
- <http://copyrightusc.com/2001-Policy.html> -
- <http://CopyrightUSC.com/2001.pdf> -**

**1998 USC Cinema student agreement document
- <http://copyrightusc.com/1998-Policy.html> -**