

Extraterrestrial Copyright: It's Complicated

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When Canadian astronaut Chris Hadfield recorded a remake of David Bowie's "Space Oddity" aboard the International Space Station in 2013 and posted the music video on YouTube, bloggers and journalists raised the seemingly novel question, How does copyright work in space? As it turns out, Hadfield had obtained permission from Bowie to record and distribute the 1969 song, and production and distribution were entirely terrestrial.

Still, the question of copyright protection for works created beyond Earth was not new to the Copyright Office. Donald Reines, a prescient staffer from the old Reference Division, explored it in a 1952 satire, "The Shape of Copyright to Come." His essay was first published in the Library of Congress *Information Bulletin* and reprinted elsewhere under the title "Interplanetary Copyright." Here are some excerpts.

Recently the Examining Division has observed the large number of publications of all sorts dealing, either factually or fictionally, with the conquest of space, and has come to believe that the concept which H. G. Wells called "the leap in the air" is entering the consciousness of modern man. This new facet of the mind, plus the rapid rate of growth of modern technology, have led the Examining Division to the inescapable conclusion that human beings, most probably Americans, will land on the Moon before 1960, and on Mars and Venus before 1975. In its usual

forward-looking manner, the Examining Division has considered the implications of these acts insofar as they relate to the Copyright Office and the Copyright Law.

The very first question to be considered is the applicability of the Copyright Law to the Moon. Most astronomers believe the moon is uninhabited, so it will be claimed in much the way Antarctica is now, by the various nations sending expeditions there. It will most likely be used only as a way station for trips further out in space, but assuming some poet stationed there prints and distributes a book throughout the American colony, the question arises as to whether it can be registered, and in what class. The majority feels that it should be accepted under the conditions which apply to the Territories and Possessions of the United States, but the minority holds that only Ad Interim registration is possible, since the Moon is most certainly outside the United States. Several have expressed merely their hope of retiring before the first landing is made.



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Mars and Venus present much more difficult questions, for on these planets we may encounter strange forms of intelligent life, speaking and writing in many different languages. If they are friendly and produce objects similar to the present classes of registrable articles, will we establish copyright relations with them and register these items? ...

[I]t is possible some Martians or Venusians may have more than one head. In this case, would we register the work of one of these creatures as that of a single author, or would the name of each head be set down as co-author? It is important that this matter be straightened out, for more reasons than one.

Further out in space we encounter problems of a different nature. It is apparent that the 28 year term of copyright will cause great hardship to those authors domiciled at the other end of the Galaxy, for in many cases it takes more than 28 years to reach Earth from those areas. A book published on Aldebaran and

dispatched immediately to the Copyright Office would reach here in its 36th year, too late to register....

[W]e can pass on to the reorganization of the Office necessitated by the tremendous amount of new material these planets and stars will furnish. Since the present system of examining is considered inadequate for such a workload, it has been suggested that we install a giant thinking machine . . . into whose circuits we build the Copyright Law and all decisions made in the courts and in the Office. . . . Applications will be submitted on punched cards which will be fed into the machine and either accepted or rejected immediately. Doubtful cases which now require five or six weeks of

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deliberation can be cleared in one-millionth of a second, thus eliminating our backlog and our Friday afternoon reports concerning them. This alone will save 27,375,549 man-hours per year. . . .

One suggestion for handling the mass of statistics produced by these operations is that we hire “calculating wizards,” those strange persons who can perform tremendous mathematical calculations in their heads. It is felt that the fact these wizards are usually idiots outside their ability to calculate should not be grounds for barring them from employment, since the Examining Division has never discriminated this way in the past.

We feel that, in keeping with the glorious traditions of the Copyright Office, we make every effort to solve most of these problems now, so that the pilot of the first rocket to the moon can make his flight with a mind free of anxiety,

and with the knowledge that the Services Division, the Examining Division, the Cataloging Division, and the Reference Division are all solidly behind him. And we do mean behind.

Regarding Chris Hadfield’s music video of “Space Oddity,” it was taken down from YouTube a year after its initial posting in 2013 based on a one-year licensing agreement with David Bowie and his publisher, the copyright owner of the song. Subsequently, Bowie—who called Hadfield’s cover “possibly the most poignant version of the song ever created”—helped to renegotiate an agreement with his publisher that allows the video to remain on YouTube until November 2016. To view it, go to <http://tinyurl.com/jse9jt7>. ©