

Eldred v. Ashcroft
537 U.S. 186, 123 S.Ct. 769
U.S.,2003.
Jan 15, 2003 (Approx. 37 pages)

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[Briefs and Other Related Documents](#)

Supreme Court of the United States
Eric ELDRED, et al., Petitioners,
v.
John D. ASHCROFT, Attorney General.
No. 01-618.
Argued Oct. 9, 2002.
Decided [Jan. 15, 2003](#).
[Rehearing Denied March 10, 2003](#).
[See 538 U.S. 916, 123 S.Ct. 1505](#).

Various corporations, associations, and individuals that utilized formerly copyrighted works which had fallen into public domain brought action against Attorney General, challenging constitutionality of [Copyright Term Extension Act of 1998 \(CTEA\)](#). The [United States District Court for the District of Columbia](#), [June L. Green](#), J., [74 F.Supp.2d 1](#), entered judgment on pleadings for Attorney General, and plaintiffs appealed. The [United States Court of Appeals for the District of Columbia](#), [Ginsburg](#), Circuit Judge, [239 F.3d 372](#), affirmed. Certiorari was granted. The [Supreme Court](#), Justice [Ginsburg](#), held that: (1) CTEA did not violate constitutional requirement that copyrights endure only for "limited times," and (2) CTEA did not violate plaintiffs' First Amendment rights.

Affirmed.

Justices [Stevens](#) and [Breyer](#) dissented and filed opinions.

****770 Syllabus** [\[FN*\]](#)

[FN*](#) The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader.

The [Copyright and Patent Clause, U.S. Const., Art. I, § 8, cl. 8](#), provides as to copyrights: "Congress shall have Power ... [t]o promote the Progress of Science ... by securing [to Authors] for limited Times ... the exclusive Right to their ... Writings." In the [1998 Copyright Term Extension Act \(CTEA\)](#), Congress enlarged the duration of copyrights by 20 years: Under the [1976 Copyright Act \(1976 Act\)](#), copyright protection generally lasted from a work's creation until 50 years after the author's death; under the CTEA, most copyrights now run from creation until

70 years after the author's death, [17 U.S.C. § 302\(a\)](#). As in the case of prior copyright extensions, principally in [1831](#), [1909](#), and [1976](#), Congress provided for application of [**771](#) the enlarged terms to existing and future copyrights alike.

[TEXT IN BETWEEN OMITTED]

Justice GINSBURG delivered the **opinion of the Court**.

This case concerns the authority the Constitution assigns to Congress to prescribe the duration of copyrights. [The Copyright and Patent Clause of the Constitution, Art. I, § 8, cl. 8](#), provides as to copyrights: “Congress shall have Power ... [t]o promote the Progress of Science ... by securing [to Authors] for limited Times ... the exclusive Right to their ... Writings.” In [1998](#), in the measure here under inspection, Congress enlarged the duration of copyrights by 20 years. [Copyright Term Extension Act \(CTEA\)](#), Pub.L. 105–298, §§ 102(b) and (d), [112 Stat. 2827–2828](#) (amending [17 U.S.C. §§ 302, 304](#)). As in the case of prior extensions, principally in [1831](#), [1909](#), and [1976](#), Congress provided for application of the enlarged terms to existing and future copyrights alike.

Petitioners are individuals and businesses whose products or services build on copyrighted works that have gone into the public domain. They seek a determination that the CTEA fails constitutional review under both the Copyright Clause’s “limited Times” prescription and the First Amendment’s free speech guarantee. Under the [1976 Copyright Act](#), copyright protection generally lasted from the work’s creation until 50 years after the author’s death. Pub.L. 94–553, § 302(a), [90 Stat. 2572](#) (1976 Act). Under the CTEA, most copyrights now run from creation until 70 years after the author’s death. [17 U.S.C. § 302\(a\)](#). Petitioners do not challenge the “life-plus-70-years” timespan itself. “Whether 50 years is enough, or 70 years too much,” they acknowledge, “is not a judgment meet for this Court.” Brief for Petitioners 14.1 Congress went awry, petitioners maintain, not with respect to newly created works, but in enlarging the term for published works with existing copyrights. The “limited Tim[e]” in effect when a copyright is secured, petitioners urge, becomes the constitutional boundary, a clear line beyond the power of Congress to extend. See *ibid.* As to the First Amendment, petitioners contend that the CTEA is a content-neutral regulation of speech that fails inspection under the heightened judicial scrutiny appropriate for such regulations.

In accord with the [District Court](#) and the [Court of Appeals](#), we reject petitioners’ challenges to the CTEA. In that 1998 legislation, as in all previous copyright term extensions, Congress placed existing and future copyrights in parity. In prescribing that alignment, [we hold](#), Congress acted within its authority and did not transgress constitutional limitations.