

Government Works (U.S.) NOT COPYRIGHTABLE

17 U.S.C. § 101 Definitions

A "work of the United States Government" is a work prepared by an officer or employee of the United States Government as part of that person's official duties.

17 U.S.C. § 105 Subject matter of copyright: United States Government works

Copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise.

Secondary Sources

Samuel E. Trosow, Copyright Protection for Federally Funded Research: Necessary Incentive or Double Subsidy? DRAFT 09.07.03 [in progress-- updated drafts posted at http://publish.uwo.ca/~strosow/Sabo_Bill_Paper.pdf] 80 pp. Analyzes Sabo bill that would add research that has been substantially funded by the U.S. government to 17 U.S.C. § 105 (exempting the works from copyright). Gives detailed history of this part of the law and details on National Science Foundation and National Institutes of Health current practices regarding copyright ownership.

David S. Levitt, Copyright Protection for United States Government Computer Programs, 40 IDEA: The Journal of Law and Technology 255, 2000. 54 pp. Available at http://www.idea.piercelaw.edu/articles/40/40_2/9.Levitt.pdf Good overview of U.S. Government works as noncopyrightable per statutes and court decisions. Argues that computer programs should be copyrightable by the U.S. Government.