Copyright Formalities:
Then, Now, Later

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Looking Back

- Persistence of “Official” Formalities
- Development of “Unofficial” Formalities

‘Your love letters are very romantic, Steve, but I do find it unsettling that you end each one with a copyright notice.’
Looking Back

• Persistence of “Official” Formalities

• Development of “Unofficial” Formalities
Looking Backward

- Persistence of “Official” Formalities

- Development of “Unofficial” Formalities
Looking Forward

• Formalities’ Threshold Function
  – Increased need in digital age?
  – But risk of forfeiture.

• Formalities’ Informational Function

• Decoupling the Functions?
  – No compliance = right of attribution (limited injunction)
  – Threshold compliance = rights of attribution & commercial use
  – Full compliance = full rights