

## Copyright Notice.

A Chat Around The Table does not own the copyrights to any of the old time radio shows available for download on this site or the old time commercials used in our podcast. We believe that the copyrights have expired, or that the shows and commercials are in the public domain because they were never copyrighted. We do not charge to download and listen to the old time radio shows.

The only copyright is on our commentary and any sponsorships and / or donations we get to help cover the cost for the time to research, the material used to create and distribute the shows and / or our podcast.

We are not trying to deprive the original creators of any money due to them, and we will remove any recording from our site that is shown to violate a copyright once we are made aware of it.

Nobody at A Chat Around The Table is a lawyer, and the information contained in this page is not meant to be legal advice. It is just intended to give you an overview of the various copyright issues involved.

Library of Congress has stated, regarding the status of old time radio recordings made prior to 1978, that "all such recordings are generally in the public domain, as sound recordings were not allowed under the previous copyright law and that such recordings have not been granted copyright status under the new laws (since to change their status and move them out of the Public Domain would be a violation of Ex-Post-Facto). Once a piece is placed into the public domain for any reason, it remains there legally unless someone brings a case to the Supreme Court to decide otherwise."

Furthermore, The Library of Congress states, "that the original recordings are within the public domain since they were NOT qualified for copyright protection when presented, nor was any attempt to place them under such copyright protection made when the window of opportunity for such existed in 1978-1979 when the copyright law regarding such recordings changed. (Such had to be submitted to the Congressional Record for reinstatement at that time, and NO U.S. Broadcasts from the 1929 - 1950 period was filed for at that time in the Congressional Record - only a few foreign language audio recordings were so filed for in that period."

Many people feel that the old-time radio trademarks are abandoned since they were never enforced and are virtually worthless.

Any lawsuit for copyright infringement needs to be brought about by the real parties in interest (the actual copyright holder or assignee), not somebody else on their behalf. Without a federally registered copyright (which automatically would carry a presumption of validity), the burden of proof is on the person bringing the lawsuit to prove that they own a valid copyright for the work.

Registration Issues: Although failure to register a copyright does not affect its validity, a copyright must be registered before an infringement action can be filed under current federal copyright law. Registration must be made within three months after publication or before the occurrence of an infringement in order for statutory damages and attorney's fees to be available to the plaintiff. Otherwise only actual damages may be awarded (17 USC §§ 411, 412).

Radio shows created before January 1, 1978, are protected by the Copyright Act of 1909 rather than the Copyright Act of 1976 ( <https://www.copyright.gov/circs/circ01.pdf> ) because according to case law any copyright determinations must be made according to the copyright law as it existed before that date.

Assuming the old time radio shows were in the public domain from the Copyright Act of 1909, the update of 1976 could not suddenly place them under copyright because they were already in the public domain, and the status of a public domain work is not allowed to ever be reversed.