

The Fine Art of Rummaging: Successors and the Life Cycle of Copyright

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This paper argues that a possible justification for the extension of copyright beyond the death of the author is the key role that copyright successors may serve in the life cycle of artistic works. This is particularly true with respect to works of art that have not been published. At the artist's death, a time sensitive decision must be made about whether or not to keep the physical artifacts associated with copyrights—an obligation that often falls to these successors. This role is especially pronounced in the case of visual artworks, where bulky canvases, sketches, negatives, and myriad other items must be sifted through in order to separate the wheat from the chaff. While concerns about further extensions of the copyright term are valid, the post-death clean-up period offers a once-in-a-lifetime event in which copyright successors can serve a socially valuable function.