NOTICE OF CORRECTION

In our last issue, Vol. 6 No. 1, included an article "Copyright and The Protection of Economic Rights" by Michael O'Hare, pp. 33-48. In the crush of work in May involving both the *2nd International Conference on Cultural Planning and Economics* and the publishing of the *Journal*, we inadvertently printed an earlier version of this article which did not contain complete references. The editors assume full responsibility for the error.

In an effort to provide the readers with the correct page of references, we are printing the following page which contains the complete list of footnotes for the O'Hare article with a page and text reference from the article contained in the last issue.

Jim Shanahan
Associate Editor

FOOTNOTES

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ast text

- 34 1. Plant, A., "The Economic Aspect of Copyright in Books": *Economica* Vol. 1, No. 2 (1934), p. 167.
- 35 . 2. 17 USC 102-106, 201, for example. For a review of the 1976 Copyright Act, emphasizing changes to the 1909 law, see Gorman, R., "An Overview of the Copyright Act of 1976," *University of Pennsylvania Law Review* Vol. 126, p. 856 (1978).
- 35 3. 17 USC 110(3), for example, assigns performance rights in a cantata as an act of worship to churches (non-exclusively).
- 35 4. The right to abuse a work of art, for example, may not be transferred by the creator under French law. See Francon, A., *La Propriete Litteraire et Artistique*, "Que Sais-je?" series No. 1388, Presses Universitaires de France, 1970 and Merryman, J. "The Refrigerator of Bernard Buffet": *Hastings Law Journal* Vol. 27 (May 1976), pp. 1023-49 for discussions of the so-called "integrity right." 17 USC 115 specifies the conditions--including the

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- price—under which the right to record a song may be transferred.
- 35 5. 17 USC 118.
- 36 6. 17 USC 115.
- 36 7. 17 USC 107.
- 36 8. Coase, R., "The Problem of Social Cost": *Journal of Law and Economics* Vol. 3, No. 1 (1960),
- 37 9. This result ignores the effect of Harvard's monopoly as regards other publishers, which is beside the point here. To see why, consider the case of all copyrights being given to a large group of competing publishers by lot.
- 37 10. Hurt, R. and Schuchman, R., "The Economic Rationale of Copyright," *American Economic Review* Vol. 56 (Proceedings) p. 421 (1966).
- 37 11. Breyer, S., "The Uneasy Case for Copyright: A Study of Copyright in Books, Photocopies, and Computer Programs," *Harvard Law Review* Vol. 84, p. 281 (1970) and "Copyright—A Rejoinder," *UCLA Law Review* Vol. 20, p. 75 (1972).
- 37 12. Tyerman, B., "The Economic Rationale for Copyright Protection for Published Books: A Reply to Professor Breyer," *UCLA Law Review* Vol. 18, p. 1100 (1971).
- 39 13. I discuss complications in applying even this reasonable-sounding principle in a forthcoming paper with A.L. Feld and J.M.D. Schuster.
- 39 14. "Right" in this context refers to the economist's concept of efficiency: when the right number of books are provided, society would not pay as much for the next one — that *isn't* written — as the author could earn doing the next best thing open to him. Quantities ("as much," "earn") apply not only to money but also psychic income for the author, and aspects of social welfare difficult to measure in dollars for society.
- 39 15. Hurt and Schuchman for the most part define the issues and ask for further study. Breyer's contribution is to challenge the conventional belief that copyright is essential to the market for books by attempting a cost-benefit analysis that takes effects on the public, publishers, and writers into account. Tyerman attacks his result, though not his approach. The debate is inconclusive

despite its methodological value and the stimulating effect of watching law professors who write well deftly skirt the frontier between civilized debate and rudeness, principally because, as Tyerman says, "much of [both sides' argument] is of necessity based on conjecture." I think the principal obstacle to settling the issue is the lack of empirical evidence drawn from markets with and without copyright that would allow the critical supply elasticities to be observed.

Fortunately, a more abstract analysis allows for more robust results than—in this case—a detailed empirical review of an industry, as I sketch one in this paper.

42 16. The Robert Indiana painting of the word LOVE spelled out with one letter in each quarter of the field.

43 17. Breyer gives some typical costs of printing and publishing. Hurt and Schuchman point out that the cost of entry into the business of publishing, as opposed to printing, is low. But since the fixed costs of printing are high, copies will originate from a few physical locations, created by a few copiers, so our conclusion about enforceability holds.

44 18. Under this unrealistic hypothesis, secrecy could protect the author, who would supply "advance sheets," possibly through his publishers, that would allow the movie producer to take the same position that publishers could take first in the field.