

## Rethinking Worldwide Copyright: Ownership and Termination After *Vetter v. Resnik*

*Vetter v. Resnik*, 2026 WL 82842 (5th Cir. Jan. 12, 2026)

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The Fifth Circuit’s January 2026 decision in *Vetter v. Resnik* squarely addresses a fundamental question in copyright law: does termination recapture only U.S. rights, or does it restore the worldwide rights originally conveyed? In answering that question, the Court did more than simply side with “Double Shot (Of My Baby’s Love)” songwriters Cyril Vetter and Donald Smith. Instead, it rejected the prevailing, treatise-driven understanding of statutory termination, characterized the authority supporting that view as “shaky,” and reframed the analysis around copyright ownership rather than infringement or enforcement.

Section 304(c) permits authors or their heirs to terminate certain pre-1978 grants but provides that termination affects only rights that “arise under this title” and “in no way affects rights arising under any other Federal, State, or foreign laws.” Courts and commentators have long read this language to mean that termination recaptures only U.S. rights, even when the original grant was expressly worldwide. That conventional understanding rested largely on territoriality principles and the presumption against extraterritorial application of U.S. copyright law. District court decisions such as *Siegel v. Warner Bros.* and *Clancy v. Jack Ryan Enterprises* concluded that because foreign exploitation is governed by foreign law, those rights necessarily lie beyond the reach of statutory termination. Those decisions, in turn, relied heavily on secondary authority, particularly Nimmer and Patry, which reasoned that U.S. law cannot terminate rights grounded in foreign copyright regimes.



The Fifth Circuit expressly declined to follow that line of authority. Rather than merely distinguishing the treatises, the Court explained that the cases and commentary on which Resnik relied provided only “shaky support” for limiting termination to domestic rights. In the Court’s view, that authority improperly focused on whether U.S. law can regulate foreign conduct rather than who owns a copyright interest after Congress reallocates ownership through termination. The Court’s analysis of the phrase “arise under this title” concluded that it refers to the source of the rights, not the territory in which they may be exploited. Rights arise under Title 17 if they originate from U.S. copyright law, even if later exploited worldwide. Nothing in § 304(c) imposes a geographic limitation, and reading one into the statute would add words Congress did not use.

The Court applied parallel reasoning to the renewal interest under the Copyright Act of 1909. Heirs of co-author Smith, who died in 1972 such that the 1994 renewal vesting occurred many years later because of the mechanics of the 1909 Act, obtained renewal rights as a “new estate.” VCC, the co-plaintiff with Vetter, later purchased those rights from Smith’s heirs. Resnik argued that only U.S. renewal rights reverted under the 1909 Act and cases interpreting it. The Fifth Circuit disagreed: the renewal statute contains no geographic limitation, and its purpose of giving authors’ families a second chance at fair remuneration is incompatible with territorial division.

Central to both issues in *Vetter* is the distinction between ownership and infringement. Termination reallocates ownership interests created under U.S. law; it does not regulate acts of infringement abroad. As the Fifth Circuit explained, the copyright rights at issue were granted under the U.S. Copyright Act and, under international treaties such as Berne and the Universal Copyright Convention, are recognized by other member countries across the globe. Worldwide ownership, the Court concluded, is therefore a consequence of termination—not an impermissible extraterritorial application of U.S. law. *Vetter* significantly alters the assumed scope of statutory termination, at least within the Fifth Circuit. More broadly, it reflects judicial skepticism toward long-settled treatise positions and reframes termination disputes as questions of ownership rather than territorial reach. Whether other circuits will follow remains to be seen, but *Vetter* meaningfully opens a debate many had assumed settled.