



[Straight Dope Message Board](#) > [Main](#) > [General Questions](#)
Who owns a letter?

User Name ☐ Remember Me?

Password

[Register](#)
[FAQ](#)
[Calendar](#)

[Thread Tools](#) ▼

[Display Modes](#) ▼

03-16-2003, 07:44 PM

#1

[delphica](#)

Guest

Join Date: Oct 2000

Who owns a letter?

Somewhere back in the depths of time, I learned that the recipient of a letter owns that letter -- that he can destroy it, keep it, or publish it if he wants to.

Is this true? And if so, does the writer of the letter, if he kept a copy, also have the right to publish it? Can the writer stop a letter from being published by the recipient?

Does any of the above apply to email?

Sadly, none of my letters, written or received, are interesting enough to publish. I'm thinking more in terms of famous people who write/send letters.



Advertisements

03-16-2003, 08:00 PM

#2

[Q.E.D.](#)

Charter Member

Join Date: Jan 2003

Location: Richmond, VA

Posts: 22,536

IIRC, the sender of the letter owns the copyright, but not technically the letters themselves, only their content. So, the recipient can destroy them, but not publish them.

SnUgGLypuPpY -- TakE BaCk tHe PiT!



03-16-2003, 08:48 PM

#3

[kniz](#) 

Guest

Join Date: Mar 2001

The recipient could also sell the letter of a famous person to a collector.



03-16-2003, 08:50 PM

#4

[Polycarp](#) 

Charter Member

Join Date: Aug 1999

Location: A better place to be

Posts: 26,407

QED has it. Say **Delphica** and I enter into a correspondence, by snail mail, and in the vicissitudes of time I become recognized as a famous theologian, while **Delphica** is elected Mayor of NYC. Eventually, we both die.

Delphica's heirs own the physical letters that I sent her (him? -- I'm assuming from the "-a" that **Delphica** is a woman). They can sell them at auction for large sums to collectors.

My heirs have title to the contents -- the copyright. **Publication** of my letters to **Delphica** must include payment to my estate or my heirs for the use of material from them. (And the reverse would hold true.)

An analogy to this might be the sort of situation where a timber company holds title to a forest that they will harvest wood from at some point in the future, but a hunting club holds the rights to use the land for hunting and fishing purposes, or I own land in Pennsylvania that a coal company holds the mineral rights to -- a divided title.

I believe there are special provisions in case law for the sort of circumstance where **Eve**, writing a biography of **Delphica**, wishes to quote from my letters to her -- that there's provision that permission to use them must be granted in the absence of exceptional reason to refuse it, and without an inflated royalty.



03-16-2003, 08:57 PM

#5

[RealityChuck](#) 

Charter Member

Join Date: Apr 1999

Location: Schenectady, NY, USA

Posts: 31,912

Quote:

Originally posted by Polycarp

I believe there are special provisions in case law for the sort of circumstance where **Eve**, writing a biography of **Delphica**, wishes to quote from my letters to her -- that there's provision that permission to use them must be granted in the absence of exceptional reason to refuse it, and without an inflated royalty.

Close, but no. If you try to publish a letter without the permission of the writer or the heirs, you are violating copyright. It was J.D. Salinger that got the ruling, in order to stop publication of some of his unpublished letters in a book. The only issue is if **Delphica** is quoting small portions of the letters that could come under fair use.

"Deck us all with Boston Charlie/Walla Walla, Wash. an' Kalamazoo./Nora's freezing on the trolley/Swallor Dollar Califlower Alley-garoo!"

Provider of quality fantasy and science fiction since 1982.



03-16-2003, 09:01 PM

#6

[scr4](#)

Guest

Join Date: Aug 1999

It's exactly the same as owning a copy of a book. You can sell that copy but you can't publish the contents.



03-16-2003, 09:11 PM

#7

[delphica](#)

Guest

Join Date: Oct 2000

Amazing! Thanks everyone for the quick and informative responses!

Of course, they have led me to another question.

Let us say, that in the scenario **Polycarp** outlined, we are now both deceased, and my heirs own the physical letters, while **Polycarp's** estate owns the copyright.

If my heirs wish to publish, **Polycarp's** heirs can refuse. Let us say that they refuse because of the content of the letters.(here's where the scenario breaks down, because I can't imagine **Polycarp** writing something terrible in a letter, but let's pretend).

Can my heirs then decide to include the physical letters in a retrospective of my papers at a museum, where all and sundry can walk by and read the letters, carefully displayed behind plexi? Do **Polycarp's** heirs have any say in this matter? Can they control or influence how the content of the letters is used as long as we're not talking about publishing?



03-16-2003, 09:13 PM

#8

[Q.E.D.](#)

Charter Member

Join Date: Jan 2003
Location: Richmond, VA
Posts: 22,536

I am not sure, but I *think* displaying them in such a manner *is* publishing them.

SnUgGLypuPpY -- TakE BaCk tHe PiT!



03-16-2003, 09:55 PM

#9

[Papermache Prince](#)

Guest

Join Date: May 2001

Can I show my **Polycarp** letter to anyone? A reporter or an historian, for example. As I understand it (ie I may be way off) copyright does not extend to the information itself but to the unique form it is in. A reporter could say "I've seen evidence of a relationship between **Polycarp** and Katie Couric" but couldn't

quote from the letter where **Polycarp** compares her to Lucy Lawless.



03-17-2003, 01:10 AM

#10

[Walloon](#)

Guest

Join Date: Apr 2000

Location: America's Dairyland

Posts: 12,780

Title 17, U.S. Code, Sec. 101:

Quote:

A public performance or display of a work does not of itself constitute publication.



03-17-2003, 12:13 PM

#11

[Tusculan](#)

Guest

Join Date: Feb 2003

Well, I'm a bit disappointed that this is not about Bill Gates having bought the rights to the M, S, X, and P.
 (In Dutch 'letter' only means that).

Walloon, that's odd: a public performance is to my knowledge protected and the copyright owner can prohibit it. What he cannot prohibit is you showing a letter to someone else, as that is not a *public* performance. Are you sure there is not another provision that specifically deals with the rights of the copyright owner to performances? Otherwise I cannot see how modern composers can earn money from orchestras playing their work (I know, they don't earn much in that manner anyway) .



03-17-2003, 12:24 PM

#12

[RealityChuck](#)

Charter Member

Join Date: Apr 1999

Location: Schenectady, NY, USA

Posts: 31,912

TTT -- copyright only applies to copies. If you have an original letter, you're free to display it.

The phrase quoted indicates the display is not automatically a violation, but it could be depending on other factors.

"Deck us all with Boston Charlie/Walla Walla, Wash. an' Kalamazoo./Nora's freezing on the trolley/Swallor Dollar Califlower Alley-garoo!"

Provider of quality fantasy and science fiction since 1982.



03-17-2003, 12:52 PM

#13

[Walloon](#)

Guest

Join Date: Apr 2000

Location: America's Dairyland

Posts: 12,780

TTT, U.S. Copyright law draws a distinction between performance and publication because there are different timelines of copyright protection involved for an unpublished work vs. a published work. A work must be placed by its author (or the author's licensee) in a *fixed* form for the work to be considered published.

But, that is not to say that unauthorized performance of a work is not a violation of copyright. Unauthorized performance is a violation. Title 17, U.S. Code:

Quote:

§ 106. Exclusive rights in copyrighted works³⁶

Subject to sections 107 through 121, the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

- (1) to reproduce the copyrighted work in copies or phonorecords;
- (2) to prepare derivative works based upon the copyrighted work;
- (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, **to perform the copyrighted work publicly**;
- (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
- (6) in the case of sound recordings, **to perform the copyrighted work publicly** by means of a digital audio transmission.

Note, however, that Sec. 107 deals with all the "fair use" exceptions, which include scholarly and educational use.



03-17-2003, 03:29 PM

#14

[Tusculan](#)

Join Date: Feb 2003

Guest

Thanks again for the clarification, **Walloon**. (are you Belgian, BTW?) I was misled by the wording of sec. 101. Interesting though, since in Dutch copyright law the public performance *does* constitute publication (sec. 12, 1, 1 Auteurswet). I assumed that most systems of copyright law would agree on such a basic point, but apparently not.



Bookmarks

del.icio.us

Digg

Facebook

Google

reddit

StumbleUpon



« [Previous Thread](#) | [Next Thread](#) »

Posting Rules



You **may not** post new threads
You **may not** post replies
You **may not** post attachments
You **may not** edit your posts

[BB code](#) is **On**
[Smilies](#) are **On**
[\[IMG\]](#) code is **Off**
HTML code is **Off**

Forum Jump

General Questions

Go

All times are GMT -5. The time now is 07:26 AM.

[Contact Us](#) - [Straight Dope Homepage](#) - [Archive](#) - [Top](#)

Powered by vBulletin® Version 3.7.3
Copyright ©2000 - 2012, Jelsoft Enterprises Ltd.

Send questions for Cecil Adams to: cecil@chicagoreader.com

Send comments about this website to: webmaster@straightdope.com

[Terms of Use / Privacy Policy](#)

[Advertise on the Straight Dope!](#)

(Your direct line to thousands of the smartest, hippest people on the planet, plus a few total dipsticks.)

Publishers - interested in subscribing to the Straight Dope?
Write to: sdsubscriptions@chicagoreader.com.

Copyright © 2012 Sun-Times Media, LLC.