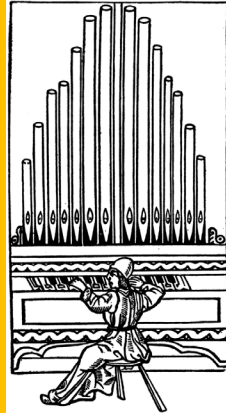


# THE OBDURATE EYE #42



*The Client - Taral Wayne*

THE OBDURATE EYE #42, August 2024, a personalzine from Garth Spencer, 6960 Doman Street, Vancouver, BC CANADA V5S 3H7, Email [garth.van.spencer@gmail.com](mailto:garth.van.spencer@gmail.com) or [hrothgarweems@gmail.com](mailto:hrothgarweems@gmail.com) . Garth acknowledges that he does this on the unceded territory of the xʷməθkʷəy̓əm, səlilwətał, and skwxwú7mesh peoples.



*The organ of no clique or party*

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## Art Credits

Most of the illustrations in this issue are by Taral Wayne.

Cover, “The Client”; p. 1, Saara Mar; p. 2, “Waiting Game”; p. 7, “In Good Hands”; p. 8, “Seaside”; p. 11, “Flutist”; p. 12, “Indiana Bunns”; p. 13, “Truck Stop”; p. 18, “Goth Skunks”

p. 10 ..... *Amazing Stories – Best of 2023 cover*



*Saara Mar – Taral Wayne*

## Taral Wayne MacDonald (October 12, 1951 – July 31, 2024)

On July 31, 2024, Taral's friend Stephen Baldassarra and Taral's building superintendent found Taral unconscious and unresponsive in his apartment. Paramedics attempted to resuscitate him, but it was too late.

Taral became involved in SF fandom in 1971, when he joined the Ontario SF Club in Toronto, and he produced well-known fanzines such as OSFiC's newsletter, his own fanzine *DNQ*, and other titles. He co-founded Ditto with Catherine Crockett (an alternative fanzine convention to Corflu). He is mainly known in fandom as a talented fanartist, whose illustrations – often influenced by furry/ anthropomorphics comics – appeared in *Torque*, *The Maple Leaf Rag*, and many other fanzines.

Wikipedia mentions that

“The pen name ‘Taral’ originated from a fictional synthetic language, Siroihin, that he described in one of his early science fiction fanzines.”

Taral created at least one, and probably several story universes, either involving a slightly alternative history of North America, or settings for semi-furry characters such as Kjolas, house gamins, or his frequent character from another humanoid species, Saara Mar.

Taral was also a fanhistorian, contributing several articles about fanhistory in Toronto and other Canadian communities to *New Canadian Fandom* and other fanzines. Eventually he collected his articles in one volume, *The Great White Zine*.

Taral was nominated eleven times for the Best Fan Artist Hugo Award, between 1987 and 2012, and he received the annual Rotsler Award in October 2008. He was a Canadian Unity Fan Fund delegate to KeyCon/Convention in 1988, and was Fan Guest of Honour at Anticipation, the 2009 Worldcon.

In the 1980s Taral graduated to professional illustration outside the SF field. In the 1990s he focused on comic book work, notably *Tales of Beatrix Farmer*, in collaboration with Steve Gallacci. If there were any justice in the world, he would have become a famous and popular comic artist; but due to falling sales at the time in the comics field, the *Beatrix* series was dropped after a few issues. Taral produced occasional work for other comics in the following years.

In early 2017 Taral suffered a stroke. He also suffered from myasthenia gravis, and by the 2020s his mobility was confined to a powered wheelchair.

Stephen Baldassarra wrote in his email/Facebook post:

“I knew Taral for just over 30 years. And while some people may have known Taral for being curmudgeonly, stubborn, fractious, and condescending, I also got to know the man who was also genuinely warm, gentle, impish, thoughtful and even vulnerable.

“Taral had a ferocious intellect and was an exceptionally talented graphic artist; I could see how hurt he was for not getting his chance in the sun in becoming a financial success with his graphic work and illustration. But despite all that, Taral did what he had loved, and was contented living by the beat of his own drum.”

(Stephen Baldassarra, R. Graeme Cameron, Wikipedia, Fancyclopedia 3)



*Waiting Game – Taral Wayne*

## Big Thinks

This fanzine is composed on a desktop computer using Windows 11, but I send it out on a desktop computer using Windows 10, which allows me to use email address lists. I use three different lists with everyone’s email addresses divided among them. I would

like to do this distribution on my desktop, but apparently I need to set up Google groups in Windows 11, instead of email lists.

§

Twice now I have bought tablets to replace the one that gave up the ghost. One asks for an SSD card, even though it has no slot for one; it will, however, link to the InterWeb. The other has a slot for an SSD card, but will not link the Worldtube, despite my best efforts, so it won't read half the ebooks I have on the card. Guess I'm not a smart shopper.

§

On July 30<sup>th</sup> I posted on Facebook:

*“Where are the fannish fans in your town?”*

*“Fannish fandom is even more about fans, as a dispersed community, than it is about SF; more about what we read than what we watch, or what we can do and make together, than what we can buy. I miss hanging with people who have new ideas and active minds, create their own writing and art and videos, produce fanzines and filksongs, and maybe enter silly-boat festivals or build absurd inventions.*

*“I miss fannish fandom because it sort of died out in my town. More seriously, I am trying to administer a fan fund and can't find conventions that are interested in hosting a fan fund delegate. I hear the Canadian SF and Fantasy Association is seeing fewer people participating in voting for the Aurora Awards this year than last. It's almost as if we're looking for fannish fans in the wrong places. Where should we be looking?”*

And the responses came rolling in:

*(Leah Zeldes)* The other day, I attended [David Ihnat](#)'s funeral in Chicago, which was as close to local fannish fandom as we've come for some time. (Among other things, most people were wearing aloha shirts in homage to Dave.) As is typical of such events, several of us discussed how we ought to get together for happier occasions, but I doubt it will happen.

*(Heath Row)* I'm thinking about putting business cards in library books and prozines.

*(Marcin Klak)* We have a local SFF club and we try to promote it where we can. Generally speaking in Poland fandom is built mainly from the young people. It has some advantages but also comes with certain challenges.

*(R. Graeme Cameron)*

All the fannish fans I know were born in the last century. There are zillions of contemporary fen, but they're not fannish, nor do they want to be. They're fans of SF, not fans of fandom.

I'm saying there's been a paradigm shift. The cliché has always been the lonely fan who desperately seeks a group to join in order to avoid a solitary life. Social media people today are savvy when it comes to connecting with others with similar interests, but the new norm is self-centred independence to a degree totally alien to our generation.

As a result, the old-fashioned idea of joining a hierarchy where you have to "earn" your way up through the ranks of a con committee or a club, in effect being on "probation" for years at a time, is seen as a horrible fate by the vast majority who want to celebrate what they are NOW. The fannish tradition of thralldom to your betters (I was once told, after 40 odd years an active fan, that I hadn't been around long enough to consider myself a genuine fan, for instance) has zero appeal to those who insist on being the centre of attention at all times because, hey, the universe revolves around them. My generation guards our privacy. For the current generation, privacy is for losers. And anything that threatens that sense of entitlement, such as an "organized" organization, as opposed to a loose bunch of like-minded egomaniacs, is the enemy.

To sum up, fannish fandom has about as much appeal to a modern fan as a police recruitment poster had to a hippie back when I was young. No sale. Automatic rejection. This is the new norm.

I hope I'm wrong. Best way to find out is to see how fandom evolves after my generation is dead and unable to wail its clarion call. Which is another way of saying I'm never going to find out.

My gut feeling is that the modern approach to SF is behind the declining numbers of fen interested in such things as the Canadian Unity Fan Fund, Author's blogs, the Aurora Awards, and so on. People want to celebrate themselves, not celebrate the works of others. Times, and people, have changed.

*(William McCabe)*

Forget business cards, go for bookmarks. If you get as far as holding regular events try for flyers in local bookshops. If you make the bookmarks look attractive enough they'll put them on bookshop counters too. Can you get names to appear at meetings? If they're writers any decent local bookshop will want notices and other promotional material. If you're going to have a regular event to do anything produce flyers and target any shops that produce related product. Sell it like this — we can get a lot of people together in one place who might buy your stuff and they'll be talking and you know what word of mouth does for product.

Of course, you need a core group to start with.

Do you have a university? They may have a club or two that will have some kind of crossover. Try and get in touch. That way you get a slightly larger audience.

You can try for social media groups but there's a whole lot to that.

*(Anders Bellis)*

"We've been through this before in this FB group. The necessary prerequisites for fannish fandom as we knew it back in the last century simply do not exist any longer. In those days, a) the one way to keep in touch with fans in other cities and countries was through fanzines and snail mail, and b) science fiction was, by the general public, regarded as gutter literature and thus fans had to seek each other's company, as they/we were regarded as nutters. Today, a) has totally changed, primarily through the medium we are using here - the Internet

- which would have seemed like pure science fiction to us during the time of fannish fandom, and b) science fiction has become a main staple of popular culture, much like rock music did after having been regarded as a form of music corrupting the minds of the young. There is absolutely no chance of reviving fannish fandom of yore, none at all. And this is the way of the world: times change, nothing lasts forever. No one these days - not us old-time fannish fans either, mind you! - would prefer cranking a mimeo to writing a post or comment on Facebook!

“However, to meet and socialise with other fans, which was, after all, the main purpose of fannish fandom, is naturally very possible in this day and age as well. Forget putting bookmarks in books and whatever. Here in Europe we're far more efficient than that, by simply having monthly meets down the pub! This we learnt from the British already 75 years ago, and it still works wonders. Myself announcing the pub meets in Stockholm, Sweden, I can tell you that rarely are we fewer than 20 fans, and it has been at least a year since no new fans showed up at *\*every\** pub meet!”

“Fiawol!”



*In Good Hands – Taral Wayne*

## The Department of What We Know that Ain't So

For some reason I typed in short “Once upon a time...” paragraphs with each of the bulk emails I sent out this month. For example:

*“Once upon a time I knew some people who thought they could start a new convention based on no more capital than they made from preregistered memberships, as long as they made big, inflated promises and advertised enough, even if they had no convention experience and were in a city difficult to travel to. Naturally they blamed the failure to cover their massive cost overruns on the lack of support by local fans. Question: how often are mediafans given to overreach, to vast ambitions and half-vast execution? Is it a problem that mediafans in general are set up for, by the ambience of media SF and mediacons and studio promotions? Was it a problem mainly afflicting mediafans in the 1980s and 1990s?”*

Hugh Spencer responded, “What interesting questions!”



*Seaside – Taral Wayne*

## Letters

### ***Jerry Kaufman (United States), July 14, 2024***

Thanks for the new issue, which I will get back to later. Your obit for Fran Skene took me entirely by surprise. I had not heard this before and it makes me sad. I've known Fran since I moved to Seattle back in the late 1970s, and liked her. Damn.

### ***Nic Farey (United States), July 15, 2024***

Thanks, naturally, for the notes on *This Here...*, but I must make a small correction: I myself was, and am, quite familiar with "the old sod" as an expression, and it was me who suggested it for the requested retitling of Dave Hodson's regular column, since he felt "Footy" as a title wasn't necessarily representative of the contents, which are indeed broader in topic, and he was of the opinion that people might not be reading his words due to sports avoidance. Fairly DoBFO<sup>1</sup> to me to use "The Old Sod", since he is one, and that is where he is writing from. (See what I did there?) It was the Hod-meson himself who wasn't familiar with the term, and I reckon that's because it's primary use is among expats, likely started by the Irish...

---

<sup>1</sup> Department of Bloody Fucking Obvious.



Generally, the usual enjoyable read off you, mate. I hope we shall cross paths again one day without curfew limitations in order that brain surgery may resume...

**Mark Nelson, July 29, 2024**

I often have more than one book on the go, but sometimes I'll put them to one side so that I can read one book. That's usually the case if the book in question is a novel, I don't want to be distracted. OTOH, I'm quite happy to put a collection of short-stories aside and to read them off-and-on. Ditto, non-fiction.

I've never read a book on a tablet, it's got to be a good old fashioned hard copy for me. Though I admit that associated with the reading of hard-copy is the problem of where to put the hard-copy after the book has been read. The number of books that I reread is a small fraction of the total number of books that are sitting on book cases. I like to blame my parents for my obsession with hard-copy, as I was brought up in a household which contained books on book cases, as well as books being found in many other places. Though in those days, there was no alternative to reading hard-copy.

I like your idea of producing an issue of *Obdurate Eye* by pasting together from locs that you have written. Alternatively, how about putting together a zine review zine which comments on the zines by running your locs. Maybe that is less work?

I have now used ChatGPT sufficiently often that I had to setup an account to use it. I've even used it for more work-related questions. One of the searches was to find out about cross-diffusion in liquids: what are the physical reasons for a system to exhibit cross-diffusion? I used ChatGPT after the first screen of google hits proved to be not helpful. Indeed, I've read that google is becoming less useful for certain kinds of searches.

*"Let's assume that a majority of people can... perform arithmetic..."* Perhaps, but I'm not confident that a majority of current undergraduates can perform arithmetic. My wife is tutoring a physics lab for first-year engineering students and they didn't know how to find the mean of five numbers... which, is not arithmetic but not so far removed. Given  $n$  data points ( $y$  values and  $x$  values) they also didn't know how to plot the data and then a curve through the data point. They were also unable to determine the gradient of a straight line. What did they learn in school?

*"Let's assume that a majority of people retain some idea of... where different countries are"*. I suspect that they don't. I remember when I was 14. In the first geography lesson of the school year we were given a blank world map and the teacher then read out a list of country names, we had to mark on the map where each country was. The task was not well done. Perhaps adults have a better sense than geography than 14-year old? I remember that the teacher complained that, with the exception of two students, we had done worse than his son. (I don't remember the age, but less than 14.) I put forward the hypothesis that the son of a geography teacher might be expected to have a better sense of geography than the average school student, but the teacher did not accept the proposition.



**Lloyd Penney, July 30, 2024**

Thank you for *The Obdurate Eye* #41. Getting things done here, getting ready for a day of work every Wednesday... It's tough to keep up on the news, especially when the news is bad.

Vale Fran Skene. We spoke only on the rare occasion, but this is big country...when you try to keep up with distant friends, it can be too big, and communications can be sparse indeed. I might try to get on Graeme's Zoom call later this evening, for I know what the conversation will be.

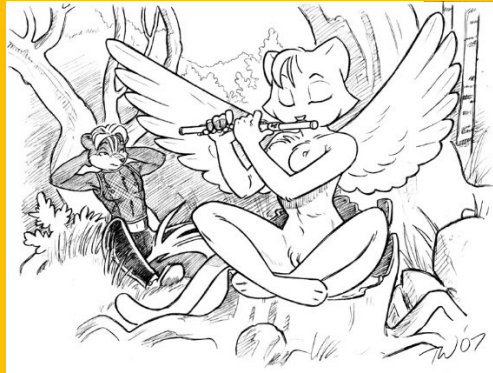
I have been told by those who seem knowledgeable on the subject that our SFnal interests make a lot of us neurodivergent. Perhaps I should say that our neurodivergence makes (our) SFnal interests more appealing. Neurodivergence includes autism, OCD, Asperger's and more, but who knows? Fandom is a slice of our overall society

I do have some happier news...Yvonne and I attended the NASFiC in Buffalo, New York just a week or so earlier. We got ourselves a table in the dealers' room to sell back issues and books connected with *Amazing Stories*, and sales were great. There were friends to greet, and parties to get to, to make more friends...this was the first true SF convention for us in some time, and it was a refreshing and emotional return to this kind of fun. My book, *Amazing Stories: Best of 2023*, had come out about a month ago, but its first public launch was the NASFiC, and I sold 12 copies. It was hella expensive, but it was worth it. We plan to go to the World Fantasy Convention, just up the highway from Buffalo in Niagara Falls, NY in October, and do the table all over again. We believe this is our farewell tour, going to some major conventions this year because we doubt we'd be able to afford them in future years.

Love the logo of the Grammar Police. Each member a Corrections Officer?

Book releases...could you give my book, *Amazing Stories: Best of 2023* a shot? It is only on Amazon Print-on-Demand, but so far, sales are fairly good. We are already working on the Best of 2024, and I will be in charge of that one, too. This is the best gig I have ever had, and having my name on the front of a book is a dream come true. I guess that's all for now...thanks for this issue.

**We also heard from: Perry Middlemiss**



*Flutist – Taral Wayne*

## Happenings

The Canadian Science Fiction and Fantasy Association's Hall of Fame proudly presents the 2024 inductees: **Col. Chris A. Hadfield**, astronaut, business leader, and author; **Nalo Hopkinson**, award-winning author (Warner Aspect First Novel Award for *Brown Girl in the Ring*, recipient of the Astounding, Locus and World Fantasy Awards, Canada's Aurora Award, the Sunburst Award, the Octavia E. Butler Memorial Award, and in 2020, SFWA's 37<sup>th</sup> Damon Knight Memorial "Grand Master"); and **Jo Walton**, award-winning author (2002 Astounding Award for Best New Writer, 2004 World Fantasy Award for *Tooth and Claw*, 2012 Hugo and Nebula Awards for *Among Others*, and in 2014 both the Tiptree Award and the Locus Non Fiction Award).

The CSFFA Hall of Fame honours Canadian creators who have made a significant 20-plus-year impact in the fields of SF, fantasy and horror.

The jury for this year's Hall of Fame inductees were Ryah Deines, Gordon Johansen, Rebecca Lovatt, Michelle Sagara, and David Clink (chair).

CSFFA members are encouraged to nominate Canadian SFFH creators; the nomination form can be found at [csffa.ca](http://csffa.ca).

CSFFA (email, July 1, 2024)



*Indiana Bunns – Taral Wayne*

## At Play in the Fields of the Mind

### **Freedom:**

The Universal Life Church in the U.S.A., as you may know, issues a monthly email newsletter with a selected editorial theme in each issue. The Independence Day edition started by asking “how free are we, really? ... we cover Native American students expelled for allegedly ‘demonic’ activity, a violent clash outside a house of workshop, and a Catholic group under fire for its genderfluid message to kids. It all begs the question: do our celebrated freedoms – of expression, of speech, and of worship – get applied equally?”

Well, of course not. Freedom, as eventually I worked out, is your scope of action to reach goals. But there are numerous physical, financial and social limitations to anyone’s freedom to reach any goals. The ULC mentioned the social limitations that turn up, when you clash with someone else’s norms and perceptions – which is always going to happen, in a country with numerous inconsistent subcultures. There is no mainstream culture or social consensus anymore.

### **Activities**

Jean-Paul L. Garnier runs a bookstore in Joshua Tree, CA, which hosts local authors’ readings; and he writes, and acts as a small publisher; and he hosts an SF podcast, and publishes anthologies, both titled *Simultaneous Times*; and he produces newsletters such as *Space Cowboy’s Accretion*. If he can do all that, what’s our excuse?

***New Words  
for Old***

In the last several years I have learned a number of new words. “Karen.” “Frith.” “Spoil” (in the mining sense). In the latest *Stf Amateur* I learned the word “eller” is not a typo. I must ask Heath Row what it means.

Received:

*The Visionary*, from the Universal Life Church

*Eldritch Science*, the N3F fictionzine, July 2024

*Space Cowboy’s Accretion*, Jean-Paul Garnier’s newsletter, #10, June 2024

*Tightbeam*, the N3F general-interest fanzine, #358

*FanActivity Gazette*, the N3F newsletter, #4:2, July 2024

*Inca*, Rob Jackson’s genzine #24, July 2024

*The Stf Amateur* #11, August 2024

*This Here ...* #77

*The National Fantasy Fan*, July 2024

*Captain Flashback* #68, June 21, 2024



*Truck Stop – Taral Wayne*

## Navigating the Public Domain

Den Valdron, Facebook, July 24, 2024

*NOTE: While this essay is principally based on my notes and research for the North American science fiction convention panel "What is Really in the Public Domain" held on July 18, 2024, I acknowledge that this work constitutes a follow up and extension of those notes. I feel it's appropriate to acknowledge the thoughtful contributions of my co-panelists, Vaugne Hansen and Leigh Grossman, as well as the questions, answers and comments of those attending the panel, which inspired me to write this up, and which may have added to the work. Thank you.*

Recently, at a science fiction convention, I had the opportunity to do a panel on this subject. I've decided it's interesting enough to write up my notes into an article.

Okay, we all know what copyright is, or hopefully we do. copyright is all about the right to make copies, and particularly, it's about who owns that right (creators hopefully), and how that right operates.

Public domain is the other side of the coin. It's about work that no one owns, and therefore is free to any member of the public to use. Basically, if something is not under copyright, it's in public domain, mostly. That's the theory.

Sounds simple, right?

Yeah, everything is simple. Until you dig into it, and then you're done for. That's one of life's rules.

All right, let's start simple. Modern copyright originates from a couple of international agreements, the Berne Convention, 1886, and the Universal Copyright Convention from 1952. This basically provided for the creation of copyright as a legal ownership right in the basic form we know today.

It also put a time limit on the work - this was "Life of the Artist plus Fifty years." Or in the case of a corporately created and owned copyright "Fifty years."

So basically, copyright was created, owned for specific period of time, and then at the end of that time period, ownership expires and voila! If ownership expires, it's public domain. So basically, here's your first rule — anything older than a certain date is public domain — you just look at how old the work is, if it's corporate, it's a straight calculation from creation, if there's an artist or writer, check the death date and calculate from there.

So where does it get complicated?

Well, the international copyright system has been updated and upgraded. So now, copyright ownership is extended generally to life plus Seventy years.

But there's a couple of wrinkles. First, each country has its own copyright act and it takes time for them to get all on the same page — so in some countries it was still fifty years for a long time. We had a situation where the lifespan of copyright was for different periods in different countries. I think it's mostly universally seventy years. But you'd need to check in your particular country, or the particular country you're doing business in, to see what the lifespan of copyright was and when it extended.

Then there's the wrinkle that if something ages into public domain, it stays there. It doesn't go back into copyright just because the extension came in. So if your work was still under copyright, say year forty-nine after your death, when the seventy year period came in, congratulations, you get an extra twenty-one years.

On the other hand, if its fifty-one years after your death and your work has entered into public domain, when the new seventy year rule comes into effect... well, your estate is just out of luck. It's in public domain, it doesn't go back in.

So there's this scattering of works that fall into that unlucky middle ground, which entered public domain before the extension came along. You have to watch out for that. So it's not just date of creation, or the date of artist death... you also have to check when the time period changed, just to see if it is still in or out.

But we're just getting to the good stuff — the United States. America wasn't a signatory to the Berne Convention. Instead, it went with a copyright registration system. What that meant was that to have copyright in your work, you had to register it first. If you didn't register it, it was in public domain. Or if someone registered your work instead, they owned your copyright. Back in the day, the United States was big on piracy.

The Registration System allowed for copyright protection of twenty-eight years, with an opportunity to re-register for an additional twenty eight years. So there was plenty of opportunity to works to go into the public domain - if you didn't register it in the first place, or you screwed up the registration - then public domain. If you registered it properly, but didn't renew, once again, public domain. Once the renewal expired, then public domain for sure... maybe.

This, boys and girls, is how the 1933 novelization of *King Kong* went into public domain, but the movie didn't. It's also how *It's a Wonderful Life* and *Night of the Living Dead* ended up in public domain.

*It's a Wonderful Life* entered public domain due to a clerical error on 1947, but the story, based on an earlier novel, remained under copyright. So the movie, having no copyright of its own, retained copyright as a derivative work.

The case of *Night of the Living Dead* is particularly interesting, because they actually did try to register copyright. They originally registered copyright under the name *Night of the Flesh Eaters*, and included that copyright notice on the film title. But then, at the last minute, they changed the name to *Night of the Living Dead*, and neglected to include the copyright notice. So... public domain over what amounted to a clerical error.

The bottom line is that the Registration System made things fun and games, with various works prematurely launched into public domain, and all sorts of technical wrinkles as to things being in or out, derivative, etc., and a legal framework which elevated bizarre technicalities to semi-divine status.

But manageable? Well, no. But it got worse.

The problem was Disney. That entertainment juggernaut had a lot of valuable intellectual properties — Mickey Mouse, Goofy, Donald Duck, their respective families, friends and enemies, Winnie the Pooh, Snow White, and all the rest. A lot of this was created in the 1920s, 1930s, and 1940s.

Well, twenty-eight year registration, even a renewal to fifty-six years, just wasn't enough. But Disney had a lot of money, a lot of lawyers and a lot of influence. So it went to work getting copyright extended, to make sure that Mickey and friends would remain Disney properties.

This eventually culminated in the *Copyright Extension Act* of 1998, which provided for a Maximum of 94 years for anything that was still under copyright as of 1998. This saved Mickey and a bunch of other Disney properties for many years. And it complicated things for everyone, because once again, anything that had already entered public domain would stay there. So you really had to do research to determine if something was in or out.

In fact, it's only this year that Mickey has entered public domain. But once again, a wrinkle. Only the Steamboat Willy version of Mickey is in public domain. Elements of Mickey's look which came along later are still under copyright. The Steamboat Willy version of Mickey doesn't wear white gloves; those came long later. So if you depict your free version of Mickey with white gloves, Disney will come down on you.

So even for a work in public domain, if elements were added to that work later, those elements might still be under copyright, which makes using the public domain work tricky.

You can also take a public domain work and create a copyright by tinkering with it. For instance, if you colorize a black and white movie, or add a new sound track or dialogue dubbing, or even if you just insert some scenes – voila, new work, new copyright. The original version is still public domain. But if you're borrowing, just make sure you're borrowing from the original, not the updates.

But its all clear for you now, right? There are all sorts of things in or out of copyright, but we can say definitively that anything older than 1928 is definitely, totally affirmatively in public domain in the United States. Probably.

Particularly if the work was created or owned by a corporation.

That works. Unless the person who created and owned the work in 1928 managed to live a long time, say into the 70s or 80s or later, and you're counting from the date of their death.

Now to make it really interesting, let me throw a few more curves at you. A creator or artist can explicitly renounce their rights and throw it into public domain. There's a thing called Creative Commons by idealistic nerds, which sort of borders on public domain. Works by Artificial Intelligence systems are currently unable to sustain copyright and might be in public domain automatically. U.S. government publications are legally public domain, but I couldn't give you a hard rule for other countries.

The copyright acts of the world also contain provisions for fair comment or fair use, such as reporting, reviews, commentary or parody. That's not public domain, but allows for legal infringement.

There are things that can never contain copyright - for instance, titles aren't considered sufficiently creative to have copyright. On the other hand a line from a poem or a song lyric might not be any longer than a title, but will have copyright. So be careful.

Then there's complications. Some people think if it's on the Internet, it's public domain, free to use. Nope, nope, nope. Even if it's out there, that doesn't necessarily



mean it's free for all or any purposes. Even if people are using it, it's still under copyright. Most times, no money is involved and no one is suing. But copyright isn't erased.

I've mentioned, Artificial Intelligence products can't sustain copyright themselves, but if it scrapes copyright material, and you can detect that material in the product, then the original holder of copyright still has their rights. This is something that Artificial Intelligence proponents don't really get. AI is not a copyright laundering operation. The lawsuits are going on right now.

Then there's the stuff that just floats around. A magazine registers a copyright and shuts down, or goes out of business, or goes bankrupt. The business no longer exists, or the entrepreneur has died. Does that mean public domain? Nope. Just because you can't identify the copyright owner, say because the literary estate has passed through different heirs, or trustees in bankruptcy, doesn't mean it no longer exists.

This is actually a huge problem with a lot of writers' and artists' work, or with pulp or small publications. The big corporations, and the superstars are motivated and have the resources to look after this stuff. But for small creators, the rights are retained, but over time who actually owns those rights can become a morass - even an exercise in detective work. But copyright in these situations doesn't just vanish. There's many an entrepreneur who has made that mistake and found themselves confronted by lawyers and lawsuits later on.

Finally, there's trademarks. Trademarks, like copyright, are an internationally recognized right, created by legislation. Trademarks can apply to a lot of things - characters, names, designs, images, etc. And trademarks can also go into public domain.

But trademarks work differently. They're not an artist's property right for creation. They're a commercial right to use a 'mark' in 'trade.' Basically, a Trademark (originally) is how a vendor distinguished their product from similar products on the market, so that you knew you were buying the real thing, and not a knock off.

Over time, trademarks were adapted or extended to be the product itself. So Mickey Mouse, Donald Duck, James Bond and Sherlock Holmes were all trademarked, just to keep ownership, in the event of copyright expiration.

There are important differences from copyright. Trademarks don't necessarily ever expire. As long as you maintain them and defend them, and they're unique, you can keep a trademark indefinitely.

But you have to defend it. A trademark only works so long as it's a unique identifier. When it becomes generic, then it goes into its version of public domain. You've heard of Kleenex? Or Zipper? Those used to be trademarks, until these became the generic names for locking metal fasteners and soft tissue paper. Now they're part of public domain.

Now this is important, because while there are permissible infringements of trademarks, there is much more legal incentive to protect Trademarks aggressively. If you don't fight for it, you can lose it.

So Trademarks are a potentially hidden land mine in the quest to figure out what is or isn't protected, what is or isn't public domain.

As a whole, copyright protection doesn't get lost or abandoned as easily as Trademarks, and therefore there's less incentive to police it aggressively. But the inverse side of that, is that the right isn't lost for failing to defend it. A copyright owner can pop out of nowhere to exercise or demand their rights at any time, for the entire lifetime of its existence. It's its own kind of hidden land mine.

In fact, if you look at where the money is in intellectual property - film and television, and to a lesser extent publishing, there's an entire industry of lawyers, researchers, rental houses and insurance companies whose job is to navigate rights and figure out what is or isn't safe, what is or isn't public domain, and if it isn't, what to do.

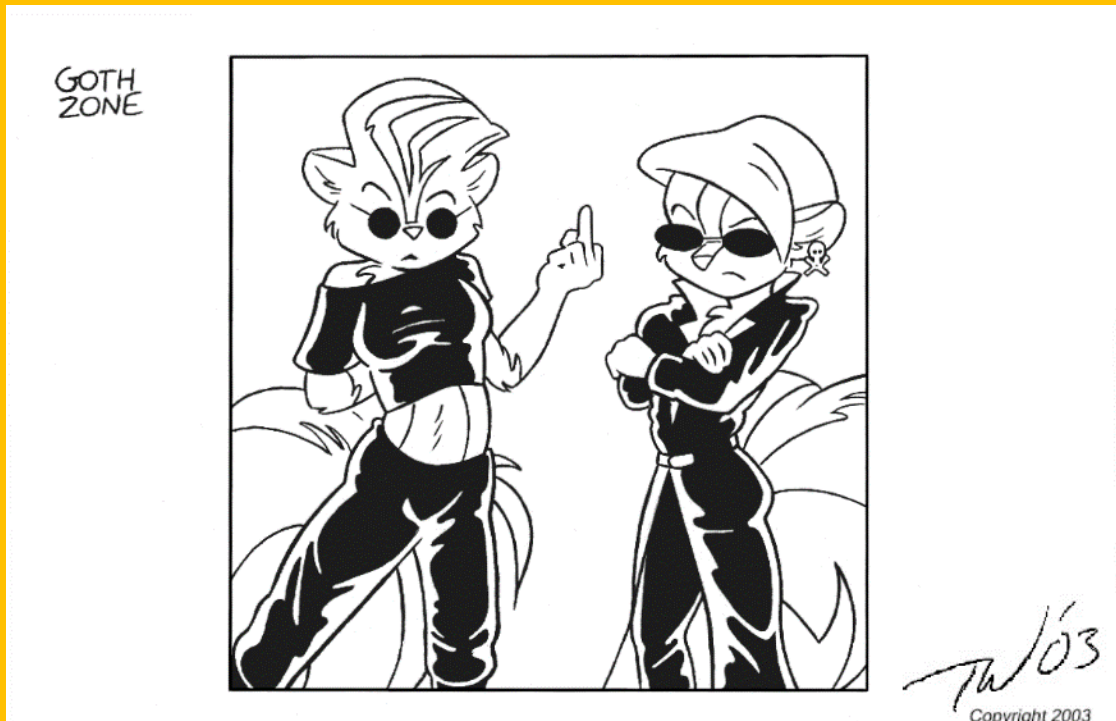
That's about it. It's all totally simple, say what? Maybe not.

As it turns out, although Canada and the United States continue to maintain copyright registration services, the way the law works, that won't help you. Just because something isn't in the Registry, is not proof that it is in public domain.

In fact, there's no official registry or database of public domain works that you can look up. There are private efforts like Project Gutenberg or various online or internal catalogues.

Unless it's a famous or infamous case, or unless it's well known and established, or decided by a court, or there's an old decision of the Registry office, there's no real way to say absolutely that a particular random piece of artistic work is or isn't in public domain, if it was created in the twentieth century.

In each case, you'd have to do some basic legwork and check into it. Hopefully, this article helps to ask the right questions. But there's no substitute for legwork.



*Goth Skunks – Taral Wayne*

## August Book Releases

### NEW RELEASES IN AUGUST 2024

#### Titles compiled by Dead Write Books & White Dwarf Books

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Abbreviations: hc = hardcover, tp = trade (oversized) paperback, [UK ed] = British publication, [CDN ed] = Canadian publication. Default is US publication.

**Other Titles:** Please note that this listing is not exhaustive; we have many more (several hundred more) titles coming during this period.

*(Garth's note: I confess I have deleted the excellent short-paragraph descriptions of these book releases for space considerations – check them out on [www.deadwrite.com](http://www.deadwrite.com) today!)*

### August 2024 New Mystery and Crime Fiction Releases

Andrews, Donna. BETWEEN A FLOCK AND A HARD PLACE. [MEG LANGSLOW MYSTERIES #35]. Minotaur, 37.00 hc.

Aubrey, Daniel. DARK ISLAND. [ORKNEY #1]. HarperNorth, 23.99 tp.

Baldacci, David. LONG SHADOWS. [MEMORY MAN]. Grand Central, 13.99 pb.

Barton, Fiona. LOCAL GONE MISSING. Penguin Canada, 12.99 pb.

Benn, James R. PROUD SORROWS. [BILLY BOYLE #18]. Soho Crime, 23.95 tp.

Bishop, D. V. A DIVINE FURY. [CESARE ALDO #4]. Macmillan, 37.99 hc.

Blackhurst, J.L. THREE CARD MURDER. HQ, 21.99 tp.

Blaedel, Sara & Mads Peder Nordbo. DISSOLVED. Crooked Lane, 28.99 tp.

Cass, Laurie. NO PAW TO STAND ON. [BOOKMOBILE CAT #12]. Berkley, 13.50 pb.

Cleeves, Ann. A LESSON IN DYING. [INSPECTOR RAMSAY #1]. Pan, 21.99 tp (reissue).

Dafydd, Fflur. THE LIBRARY SUICIDES. Hodder, 19.99 tp.

Davis, Lindsey. A CRUEL FATE. Hodder, 9.99 tp.

De Jager, Anja. DEATH IN THE RED LIGHT DISTRICT. [LOTTE MEERMAN #7]. Constable, 19.99 tp.

- Dean, Will. THE CHAMBER. Emily Bestler, 25.99 tp.
- Ehrhart, Peggy. A DARK AND STORMY KNIT. [KNIT & NIBBLE #11]. Cozies, 11.99 pb.
- Elliott, Lauren. MURDER IN A CUP. [CRYSTALS & CURIOSITEAS #2]. Cozies, 11.99 pb.
- Ellis, Kate. THE KILLING PLACE. [DI WESLEY PETERSON #27]. Piatkus, 19.99 tp.
- Gilstrap, John. ZERO SUM. [JONATHAN GRAVE #16]. Pinnacle, 12.99 pb.
- Hallett, Janice. THE MYSTERIOUS CASE OF THE ALPERTON ANGELS. Atria, 26.99 tp.
- Hillerman, Anne. THE WAY OF THE BEAR. [LEAPHORN, CHEE & MANUELITO #8]. Harper, 12.99 pb.
- Howell, Dorothy. HANGING BY A THREAD. [SEWING STUDIO #2]. Cozies, 11.99 pb.
- Ide, Joe. FIXIT. [IQ #6]. Mulholland, 25.99 tp.
- Johnson, Craig. THE LONGMIRE DEFENSE. [WALT LONGMIRE #19]. Penguin, 24.95 tp.
- Jones, Philip Gwynne. THE VENETIAN CANDIDATE. [NATHAN SUTHERLAND]. Constable, 17.99 tp.
- Kabler, Jackie. VANISHING OF CLASS 3B. Harpercollins, 23.99 tp.
- Kellerman, Jonathan & Jesse Kellerman. THE LOST COAST. [CLAY EDISON #5]. Ballantine, 39.99 hc.
- Lackberg, Camilla. THE CUCKOO. Hemlock, 26.99 tp.
- Lalli, S. C. THE PLUS ONE. HarperAvenue, 25.99 tp [CDN ed].
- Leadbeater, David. THE TRAITOR'S GOLD. [JOE MASON #5]. Avon, 23.99 tp.
- Mangan, Christine. THE CONTINENTAL AFFAIR. Flatiron, 24.99 tp.
- March, Nev. THE SPANISH DIPLOMAT'S SECRET. [CAPTAIN JIM AND LADY DIANA #3]. Minotaur, 24.00 tp.
- Maxwell, Alyssa. MURDER AT THE ELMS. [GILDED NEWPORT #11]. Kensington, 24.95 tp.
- McCleave, Simon. DEAD IN THE WATER. [ANGLESEY #5]. Avon, 22.99 tp.
- Medawar, Tony (ed). BODIES FROM THE LIBRARY 6: FORGOTTEN STORIES OF MYSTERY AND SUSPENSE BY THE MASTERS OF THE GOLDEN AGE OF DETECTION. Collins Crime Club, 21.99 tp.
- Minix, Sue. SENTENCED TO MURDER. [BOOKSTORE]. Avon, 22.99 tp.
- Montclair, Allison. MURDER AT THE WHITE PALACE. [SPARKS & BAINBRIDGE #6]. Minotaur, 37.00 hc.
- Mosse, Greg. MURDER AT THE THEATRE. [MAISIE COOPER #3]. Hodder, 19.99 tp.
- Myers, B. R. THE THIRD WIFE OF FARADAY HOUSE. HarperCollins, 24.99 tp [CDN ed].
- Nair, Anita. HOT STAGE. [INSPECTOR GOWDA #3]. Bitter Lemon, 27.50 tp.

- Offutt, Chris. CODE OF THE HILLS. [MICK HARDIN]. Grove, 25.95 tp.
- Osman, Richard. THE LAST DEVIL TO DIE. [THURSDAY MURDER CLUB #4]. Penguin, 24.95 tp.
- Patterson, James & Mike Lupica. THE HOUSE OF WOLVES. Grand Central, 13.99 pb.
- Perry, Carol J. DEATH SCENE. [WITCH CITY #14]. Cozies, 11.99 pb.
- Phillips, Scott. THE DEVIL RAISES HIS OWN. Soho Crime, 36.95 hc.
- Preston, Douglas & Lincoln Child. ANGEL OF VENGEANCE. [AGENT PENDERGAST #20]. Grand Central, 39.00 hc.
- Pryor, Mark. THE DARK EDGE OF NIGHT. [HENRI LEFORT #2]. Minotaur, 25.00 tp.
- Quinn, Spencer. A FAREWELL TO ARFS. [CHET & BERNIE #15]. Forge, 36.99 hc.
- Rademacher, Cay. THE MURDERER IN RUINS. [FRANK STAVE]. Arcadia, 19.99 tp.
- Regan, Linda. THE BURNING QUESTION. [DCI BANHAM #5]. Accent, 17.99 tp.
- Reichs, Kathy. FIRE AND BONES. Simon & Schuster, 26.99 tp.
- Russell, Michael. THE CITY OF GOD. [STEFAN GILLESPIE]. Constable, 17.99 tp.
- Ryan, Hank Phillippi. ONE WRONG WORD. Forge, 23.99 tp.
- Sands, Stella. WORDHUNTER. Harper, 23.99 tp.
- Schmidt, Joachim B. KALMANN AND THE SLEEPING MOUNTAIN. [KALMANN ODINSSON #2]. Bitter Lemon, 25.95 tp.
- Shearer, L T. THE CAT WHO SOLVED THREE MURDERS. [CONRAD THE CAT DETECTIVE #2]. Pan, 21.99 tp.
- Sigurdardottir, Yrsa. THE PREY. Hodder, 17.99 tp.
- Slaughter, Karin. THIS IS WHY WE LIED. [WILL TRENT #12]. Morrow, 25.99 tp.
- Swann, Leonie. THE SUNSET YEARS OF AGNES SHARP. [MISS SHARP INVESTIGATES #1]. Soho Crime, 23.95 tp.
- Taylor, Jodi. A BACHELOR ESTABLISHMENT. Headline, 19.99 tp.
- Taylor, Sarah Stewart. A STOLEN CHILD. [MAGGIE D'ARCY #4]. Minotaur, 25.00 tp.
- Thomas, Joe. BENT. Arcadia, 19.99 tp.
- Unger, Lisa. LAST GIRL GHOSTED. Park Row, 12.99 pb.
- Vassell, Charlotte. THE OTHER HALF. Vintage, 24.95 tp.
- Waugh, Daisy. OLD SCHOOL TIES. [TODE HALL]. Piatkus, 17.99 tp.
- White, S. R. WHITE ASH RIDGE. Headline, 26.99 tp.
- Woodward, M. P. DEAD DROP. [THE HANDLER #2]. Berkley, 14.99 pb.

**August 2024 New Fantasy and Science Fiction Releases**

- Alameda, Courtney. WAR OF THE SCALEBORN. [WORLD OF WARCRAFT: DRAGONFLIGHT]. Worlds, 24.95 tp.

- Ashby, Madeline. GLASS HOUSES. Tor, 23.99 tp.
- Ashing-Giwa, Kemi. THE SPLINTER IN THE SKY. Saga, 25.99 tp.
- Barnes, Steven. MACE WINDU: THE GLASS ABYSS. [STAR WARS]. Worlds, 39.99 hc.
- Blake, Olivie. MASTERS OF DEATH. Tor, 24.99 tp.
- Brennan, Sarah Rees. LONG LIVE EVIL. [TIME OF IRON #1]. Orbit, 25.99 tp.
- Brooks, Terry. SISTER OF STARLIT SEAS. [VIRIDIAN DEEP #3]. Del Rey, 24.95 tp.
- Buchanan, Lynn. THE DOLLMAKERS. Voyager, 24.99 tp.
- Butler, D. J. BETWEEN PRINCESSES AND OTHER JOBS. [INDRAJIT & FIX #2]. Baen, 12.99 pb.
- Callaghan, Jo. IN THE BLINK OF AN EYE. Random House, 24.95 tp.
- Connolly, John. THE LAND OF LOST THINGS. [THE BOOK OF LOST THINGS #2]. Atria, 25.99 tp.
- Corey, James S. A. THE MERCY OF THE GODS. [THE CAPTIVE'S WAR]. Little Brown, 39.00 hc.
- Davis, Hank (ed). TOMORROW'S TROOPERS. Baen, 25.00 tp.
- De Bodard, Aliette. NAVIGATIONAL ENTANGLEMENTS. Tor.com, 27.99 tp.
- Deneen, Brendan. ALIEN: UNCIVIL WAR. Titan, 23.99 tp.
- Enright, K. M. MISTRESS OF LIES. [THE AGE OF BLOOD #1]. Orbit, 25.99 tp.
- Feist, Raymond E. A DARKNESS RETURNS. [DRAGONWAR SAGA #1]. Voyager, 39.50 hc.
- Flint, Eric. 1638: THE SOVEREIGN STATES. [RING OF FIRE #36]. Baen, 12.99 pb.
- Gray, Claudia. PERIHELION. [THE X-FILES]. Avenue, 36.99 hc.
- Hall, Kerstin. ASUNDER. Tor.com, 39.99 hc.
- Hess, Al. KEY LIME SKY. Angry Robot, 24.99 tp.
- Hopkinson, Nalo. BLACKHEART MAN. Saga, 34.99 hc.
- Johnston, Cameron. THE LAST SHIELD. Angry Robot, 24.99 tp.
- Jungeun, Hwang. ONE HUNDRED SHADOWS. Erewhon, 25.95 hc.
- Kaplan, Ariel. THE POMEGRANATE GATE. [THE MIRROR REALM CYCLE #1]. Erewhon, 24.95 tp.
- Keyes, Greg. THE WIND THAT SWEEPS THE STARS. Titan, 21.95 tp.
- Kingfisher, T. A SORCERESS COMES TO CALL. Tor, 36.99 hc.
- Klune, TJ. BROTHERSONG. [GREEN CREEK #4]. Tor, 39.99 hc.
- Kunsten, Derek. THE HOUSE OF SAINTS. [VENUS ASCENDANT #2]. Solaris, 22.99 tp.
- Leeds, Scott. SCHRADER'S CHORD. Tor, 24.99 tp.

- Levene, Rebecca. THE SUN'S DEVICES. [THE HOLLOW GODS #3]. Hodderscape, 21.99 tp.
- Maberry, Jonathan. THE DRAGON IN WINTER. [KAGEN THE DAMNED #3]. Griffin, 31.00 tp.
- MacLean, S. A.. THE PHOENIX KEEPER. Orbit, 25.99 tp.
- Maniscalco, Kerri. THRONE OF THE FALLEN. Little Brown, 25.99 tp.
- McCabe, Patrick. HELLO AND GOODBYE: HELLO MR BONES / GOODBYE MR RAT. Quercus, 21.99 tp.
- McEwan, Stacey. CHASM. [THE GLACIAN TRILOGY #2]. Angry Robot, 24.99 tp.
- McGuire, Seanan. NO MORE. [OCTOBER DAYE #17]. DAW, 14.99 pb.
- Miles, Terry. THE QUIET ROOM. [RABBITS #2]. Del Rey, 24.95 tp.
- Moreno-Garcia, Silvia. THE SEVENTH VEIL OF SALOME. Del Rey, 38.99 hc.
- Morris, Brittney. LIFE IS STRANGE: HEATWAVES. Titan, 22.95 tp.
- Netley, Rebecca. BLACK FEATHERS. Harper Canada, 25.99 tp.
- Okorafor, Nnedi. SHE WHO KNOWS. [SHE WHO KNOWS #1]. DAW, 31.00 hc.
- Peynado, Brenda. TIME'S AGENT. Tor.com, 22.99 tp.
- Rambo, Cat. DEVIL'S GUN. [DISCO SPACE OPERA #2]. Tor, 25.99 tp.
- Reed, Cameron. THE FORTUNATE FALL. [TOR ESSENTIALS]. Tor, 26.99 tp (reissue).
- Reid, Ava. LADY MACBETH. Del Rey, 38.99 hc.
- Revis, Beth. FULL SPEED TO A CRASH LANDING. [CHAOTIC ORBITS #1]. DAW, 31.00 hc.
- Robyn, Lezli (ed). JOURNEYS BEYOND THE FANTASTICAL HORIZON. [BEST OF GALAXY'S EDGE #1]. CAEZIK, 23.99 tp.
- Rollins, James. ARKANGEL. [SIGMA FORCE #24]. Morrow, 25.99 tp.
- Sagara, Michelle. CAST IN ATONEMENT. [THE CHRONICLES OF ELANTRA #19]. MIRA, 23.99 tp.
- Schneiderhan, Caitlin. FLIGHT OF ICARUS. [STRANGER THINGS]. Worlds, 24.95 tp.
- Sharpson, Neil. KNOCK KNOCK, OPEN WIDE. Nightfire, 24.99 tp.
- Sinn, R. A. A SECOND CHANCE FOR YESTERDAY. Solaris, 22.99 tp.
- Smythe, J. P. LONG DARK DUSK. [THE AUSTRALIA TRILOGY #2]. Hodderscape, 19.99 tp.
- Spencer, Wen. STORM FURIES. [ELFHOMES #6]. Baen, 37.00 hc.
- Stirling, S. M. TO TURN THE TIDE. Baen, 37.00 hc.
- Strahan, Jonathan (ed). NEW ADVENTURES IN SPACE OPERA. Tachyon, 24.95 tp.
- Stronach, Sascha. THE SUNFORGE. [THE ENDSONG]. Saga, 25.99 tp.
- Swan, Richard. THE TRIALS OF EMPIRE. [EMPIRE OF THE WOLF #3]. Orbit, 25.99 tp.

- Tchaikovsky, Adrian. SATURATION POINT. Solaris, 39.99 hc.
- Tolkien, J. R. R. THE FALL OF NUMENOR AND OTHER TALES FROM THE SECOND AGE OF MIDDLE-EARTH. HarperCollins, 23.99 tp.
- Tolkien, J. R. R.. TOLKIEN CALENDAR 2025: THE HISTORY OF MIDDLE-EARTH. Morrow, 21.00 cal.
- Tomas, Adrian. THE WITCHES OF THE MOORS. [ASSASSIN'S CREED: FRAGMENTS]. Titan, 22.99 tp.
- Ward, Catriona. LOOKING GLASS SOUND. Nightfire, 26.99 tp.
- Weis, Margaret & Tracy Hickman. DRAGONS OF ETERNITY. [DRAGONLANCE DESTINIES #3]. Worlds, 39.99 hc.
- White, Frances. VOYAGE OF THE DAMNED. Mira, 37.00 hc.
- Wildenstein, Olivia. HOUSE OF BEATING WINGS. [KINGDOM OF CROWS #1]. Sourcebooks Casablanca, 28.99 tp.
- Wilson, Emily H.. GILGAMESH. [SUMERIAN TRILOGY #2]. Titan, 23.99 tp.
- Woods, Harper L. THE COVEN. [COVEN OF BONES #1]. Bramble, 36.99 hc.
- Yong, Jin. A PAST UNEARTHED. [RETURN OF THE CONDOR HEROES #1]. Quercus, 21.99 tp.
- Zahabi, Rebecca. THE LIGHTBORN. Gollancz, 34.99 hc.