

THE EFFECT OF COPYRIGHT TERM LENGTH ON SOUTH AFRICAN BOOK MARKETS (WITH REFERENCE TO THE GOOGLE BOOK PROJECT)

PAUL J HEALD*

*Richard W. & Marie L. Corman Research Professor, University of Illinois (USA)
College of Law
Fellow (2018), Stellenbosch Institute for Advanced Study (STIAS), Stellenbosch University*

ABSTRACT

Research on the effect of copyright term extension in the United States demonstrates the negative effect of protection on the availability of new bound editions, ebooks, and audiobook editions of older works. Among the most popular titles, copyright protection is also associated strongly with higher prices in the US. Another recent study documents the negative effect of copyright term extension on titles available for e-lending in the US, Australia, New Zealand, and Canada. The present study measures the effect of copyright on the availability of bound volumes and ebooks in South Africa, a jurisdiction currently under pressure to extend its term of copyright beyond the current life-plus-fifty. Monopoly pricing effects in ebook markets in South Africa, and by analogy to other life-plus-fifty jurisdictions, are also shown. Finally, the article measures the extent to which the Google Books Project improves the availability of books in South Africa.

KEYWORDS: copyright term extension; bound editions; ebooks; audiobooks; Google Books Project; South Africa

1. INTRODUCTION

In July 2018, US Trade Representative Robert Lighthizer expressed the desire ‘to pave the way for a free trade agreement between Washington and sub-Saharan African countries’.¹ Although he provided few details, bi-lateral and multi-lateral trade agreements with the US typically require all trading partners to extend the duration of copyright to 70 years beyond the life of the author. The term of copyright in South Africa is currently shorter, life-of-the-author plus 50 years,² same as Canada, New Zealand, China, and Japan.

* This research was conducted during my stay as a fellow at the Stellenbosch Institute for Advanced Study (STIAS), Wallenberg Research Centre at Stellenbosch University, Stellenbosch 7600, South Africa. I would also like to thank my research assistants, Jill Crandall and Adetutu Okusaga. No part of a previous small grant received from Google was used to finance this research.

1 Tralac ‘US, African officials prepare for post AGOA trade future’, available at <https://www.tralac.org/news/article/13284-us-african-officials-prepare-for-post-agoa-trade-future.html> (accessed on 29 October 2019).

2 Section 3(2) of the Copyright Act 98 of 1978.

Canada, however, will soon be forced to extend copyright protection an extra 20 years as part of the new North American Free Trade Agreement,³ and New Zealand narrowly avoided having to change its law when the US withdrew from the proposed Trans-Pacific Partnership. The proposed extension of New Zealand's copyright term was described by one economist as a 'dead rat' that its citizens would have to consume as the price for increased trading with the US.⁴

Recent empirical research on US book markets supports the 'dead rat' claim, that extending the term of copyright is associated with negative effects on consumer welfare measured by higher book prices and decreased availability of new editions of book titles for purchase and e-lending.⁵ Whether this research translates into other markets, like the Republic of South Africa, is unclear for several reasons. First, the US copyright term is unique. In the US, works published more than 95 years ago are all in the public domain. Works published between 95 years ago and 1964 are protected by copyright for 95 years after publication, but only if they were properly registered and renewed. Works published between 1965 and 1978 are protected for 95 years regardless of renewal status, and works published after 1978 have a term of life-of-the-author plus 70 years.⁶ Works in South Africa are generally protected by a less byzantine term of the life-of-the-author plus 50 years.⁷

Secondly, the US and South Africa are at different stages of economic development. The creative industries in the United States and South Africa may therefore not respond in the same way to legal changes to their respective copyright regimes. Relatedly, the book market in South Africa is significantly smaller than in the US. New business models designed to take advantage of

3 Agreement between the United States of America, the United Mexican States, and Canada Text, art 20.63, available at https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/20_Intellectual_Property_Rights.pdf (accessed on 29 October 2019).

4 Eric Crampton 'Copyright Dead Rats, Bon Appetit' *The New Zealand Initiative*, 12 February 2016, available at <https://nzinitiative.org.nz/reports-and-media/opinion/copyright-dead-rats-bon-appetit> (accessed on 29 October 2019) (discussing of copyright protection available to international innovators without the TPP).

5 R Giblin et al 'What can 100,000 Books Tell us about the International Public Library E-lending Landscape' available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3354215 (accessed on 29 October 2019); PJ Heald, K Erickson and M Kretschmer 'The Valuation of Unprotected Works: A Case Study of Public Domain Images on Wikipedia' (2015) 29 *Harv. J. of L. & Tech.* 1; PJ Heald 'How Copyright Keeps Works Disappeared' (2014) 11 *J. Empirical Legal Studies* 829; PJ Heald and C Buccafusco 'Do Bad Things Happen When Works Fall Into The Public Domain' (2013) 28 *Berkeley J. of Law & Tech.* 1; PJ Heald 'Property Rights and the Efficient Exploitation of Copyrighted Works: An Empirical Analysis of Public Domain and Copyrighted Fiction Bestsellers' (2008) 93 *Minn. L. Rev.* 1031; X Li, M Maggarvie and P Moser 'Dead Poets Property: How Does Copyright Influence Price' (2018) 49 *Rand J. of Econ.* 181; I Reimers 'Copyright and Generic Entry in Book Publishing' available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2938072 (accessed on 29 October 2019); B Biasi and P Moser 'Effect of Copyrights on Science', available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2542879 (accessed on 29 October 2019).

6 Section 301 of the Copyright Act 1976, 17 USC.

7 Sections 3(2)(b)-(f) and 3(3) of the South African Copyright Act proscribe a shorter term of 50 years from publication or 'making available' for works like films, sound recordings, broadcasts, and anonymous works.

the public domain status of books may not be as profitable in South Africa, leading to different patterns of exploitation.

This article presents the first empirical research examining the relationship of any life-plus copyright term to the price and availability of books as measured by the in-print status of bound and digital volumes. The key focus is on what happens to books when they fall into the public domain. If lower prices and an increase in new editions are associated with public domain status, then extending copyright likely has a negative welfare effect. On the other hand, if maintaining the copyright status of a book incentivises publishers to keep it in print, then public welfare would potentially be enhanced by an increased term of protection.

The negative effects of copyright term extension described in the empirical analysis below will hopefully lend aid to trade negotiators confronting claims that more copyright is always better. Trade representatives from developing economies often lack a full understanding of the potential impact of changes to intellectual property law, and they typically lack hard evidence to rebut outside insistence that protection for intellectual property be augmented.⁸ In addition to informing negotiations, the research provides a positive tool which can be deployed against unsupported empirical claims made by the US and the EU that copyright term extension is in the best interest of developing economies.

Part 2 of this article summarises prior studies on the relationship between copyright law and the price and availability of book titles in the United States. Part 3 details the methodology of the present study. Part 4 analyses the data and finds that: 1) bound volumes by South African authors are significantly more likely to be available (in print) when they are in the public domain; 2) ebooks by international authors are significantly more likely to be available when they are in the public domain; 3) the availability of additional titles from the Google Books Project significantly magnifies the positive public domain effect for both South African and international titles; 4) bound volumes of copyrighted titles for sale in South Africa are significantly more expensive than bound volumes of public domain books; and 5) the price gap between copyrighted and public domain ebooks is significantly greater than bound volumes, evidencing a price premium that cannot be explained merely by the fact publishers of public domain books do not incur royalty expenses. Part 5 speculates whether the negative effect of long copyright terms might be ameliorated by used book markets or by reversion of copyright to authors after a set number of years, as is currently under consideration by the South African government. An online appendix⁹ provides a full description of the statistical methods employed in analysing the data.

8 A Verger and B van Paassen 'Human Development vis-à-vis Free Trade: Understanding Developing Countries' Positions in Trade Negotiations on Education and Intellectual Property Rights' (2013) 20 *Rev. Int'l Pol. Econ.* 712, 735.

9 J Chen, W Du, JJ Lee, X Yang and James Yun 'Effect of copyright on book markets in South Africa', available at https://pages.law.illinois.edu/law_content/people/heald/Stat427-South-Africa-Book-report.pdf (accessed on 28 November 2019).

2. THE EFFECT OF COPYRIGHT ON BOOK MARKETS

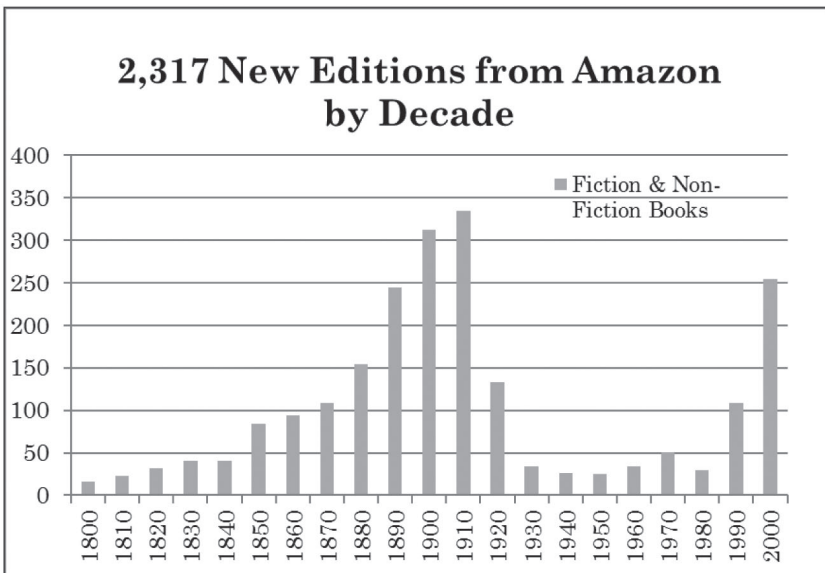
Recent studies demonstrate how extended terms of copyright protection are associated with the diminished availability of books and with higher book prices.

2.1 The case of the disappearing books in the US

Over the last 10 years, a growing body of empirical research has described the negative effect of copyright term extensions on the availability of older US books. A study in 2008 compared the in-print status of the 166 bestselling novels published in the US between 1913–1922 (all in the public domain) with the 168 bestselling novels published in the US between 1923–1932 (all then under copyright) and found that after 2001, the public domain novels were significantly more likely to be in print.¹⁰

Another study, published in 2014, provided a dramatic graphic illustration of how the long term of copyright in the United States is a barrier to the publication of new editions of books. The study collected a random sample of over 2 000 new books available from Amazon.com charted by the decade of their initial publication.

Figure 1: Book Availability by Decade of Initial Publication



Works published in the US before 1923 are in the public domain, and the graph shows that pre-1923 books are attractive targets for independent publishers

¹⁰ Heald 'Property Rights' (n5) 1041.

who bring them back into print.¹¹ Books from the 1930s through the 1990s still under copyright are significantly less available. Having gone out of print, their copyright owners are unwilling to bring them back for public consumption, and they remain ‘disappeared’.

Consistent with Figure 1, a 2018 study of bestsellers published in the US from 1910–1936 found that a book’s transition to the public domain was associated with the appearance of an average of 26.5 additional editions of the title.¹² Another 2018 study shows a significant increase in the accessibility of German textbooks in the US after a WWII executive order essentially moved them into the public domain.¹³ The extension of copyright terms has further been found to correlate negatively with the production of audiobooks. A 2013 study found that public domain bestsellers from 1913–1922 were significantly more likely to be offered as audiobooks than copyrighted bestsellers from 1923–1932.¹⁴

The results of these empirical studies may seem intuitive, but they provide the first evidence that copyright owners do a poor job of making older books available to the public. Once a book falls out of print, copyright prevents competition over publication of the title, preventing its reappearance.

2.2 Copyright and book pricing

Contrary to initial scepticism that copyright status does not lead to monopoly pricing,¹⁵ subsequent studies consistently show that public domain books are cheaper than copyrighted books of equal quality. One study associated the 1998 US copyright term extension legislation with a 35% increase in the price of bestselling books published between 1910–1936.¹⁶ Another study found that a presidential order stripping copyright from German textbooks caused a 25% decrease in prices in the US.¹⁷ Earlier research taking a sub-sample of the 40 most popular book titles from 1913–1932 showed that the 20 public domain titles were approximately 50% less expensive than the 20 copyrighted titles.¹⁸ Finally, a 2018 study of almost 1 300 titles published between 1790 and 1840 in the UK found a 37% price increase to be highly correlated with the extension of the copyright term during that period.¹⁹

2.3 Relevance to South Africa

Data collected in the US could inform the discussion of whether to extend the copyright term in South Africa, but there are several reasons to believe that

11 Heald ‘How Copyright’ (n5) 839.

12 Reimers (n5) 2.

13 Biasi and Moser (n5) 3.

14 Heald and Buccafusco (n5) 22–23.

15 S Liebowitz ‘Is the Copyright Monopoly a Bestselling Fiction?’, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1266486 (accessed on 29 October 2019).

16 Reimers (n5) 3.

17 Biasi and Moser (n5) 2.

18 Heald ‘Property Rights’ (n5) 1048.

19 Li, Macgarvie and Moser (n5) 183.

the US experience is not analogous. First, the US has a term of life-plus-70 only for works published after 1978; therefore, no works have yet transitioned into the public domain under its life-plus regime. Instead, a set term of 95 years still governs most copyright expiration on a work-by-work basis. As of this writing, all works published in 1923 or before are in the public domain, while those published from 1924–64 are protected if their registrations were properly renewed. Works published from 1964–78 have a set term of 95 years, without regard to adherence to any formalities. In South Africa, on the other hand, the entire corpus of an author's work falls into the public domain 50 years after the author's death. This has been the rule since the passage of the Imperial Copyright Act in 1911.²⁰ The difference between term calculation in the two regimes means that data from the US may not necessarily be predictive of the behaviour of South African book markets.

Second, the US economy is more technologically advanced, and market competition is generally more robust. If South Africa lacks as strong a publishing infra-structure as the US, it may not be able to exploit the public domain status of works as effectively, thereby blunting any positive effect associated with the expiration of copyright protection. At least one study suggests that advances in technology spur and facilitate the exploitation of public domain works. In the US, public domain bestsellers from 1913–1932 did not become significantly more available than their copyrighted counterparts until 2001, about the time inexpensive digital scanners and publishing software became available and facilitated the growth of independent publishing.²¹ The technology gap between the US and South Africa could result in divergent responses to copyright term extension.

Finally, the book market in South Africa is smaller than the US, making it a less attractive target for publishers in general. If the size of the South African market (both in terms of population and buying power) deters investment in making older works available, then the US experience may not be directly applicable in South Africa.

The possibility that US data is not predictive (along with the fact that South Africa is actively considering copyright reform) suggests that empirical research focused on the South African book market is especially timely.

3. DATA COLLECTION AND METHODOLOGY

This study presents two sets of hand-gathered data relevant to assessing the comparative availability of copyrighted and public domain bound volumes and ebooks to South African consumers.

3.1 Books by South African authors

In the absence of a more authoritative source identifying popular South African authors, we examined all 1 066 novels and short story collections

²⁰ 1 & 2 Geo. 5, c. 46, § 3 (Eng.).

²¹ Heald (n5) 1041.

written by each of 123 authors listed on the Wikipedia page: ‘List of South African Authors.’²² The complete list of authors appears in Appendix A. For each author, we collected his or her date of birth and death, and for each of their books, we collected: the title; date of publication; the legal status of the book (still under copyright or public domain); the availability of an ebook on Amazon.com or Takealot.com; the availability of a bound volume for sale on Takealot.com; and the number of used copies available from South African book shops selling on Abesbooks.com. As of this writing, Takealot.com is the leading South African bookseller, offering a total of 4 287 398 editions, including 1 608 402 ebooks. Abesbooks.com, a subsidiary of Amazon, is the world’s largest seller of used books, with an advanced search functionality that allows one to search for used books available in South African bookshops. Because all South African booksellers do not sell through Abesbooks, the website cannot represent a comprehensive survey of all used books for sale in South Africa.

Of the 1 066 books, only 4.3% (46) were identified as being in the public domain in South Africa. Since these titles were potentially accessible for free from the Google Books Project (<https://books.google.com>), a search for each title was conducted on that website.

The books represent a wide cross-section of South African fiction written by male and female authors in both English and Afrikaans, including C.J. Langenhoven, Alex Laguma, Bessie Head, Etienne Leroux, Elsa Joubert, Sibusiso Nyembezi, Tatamkhulu Africa, Mazisi Kunene, Stuart Cloete, Lewis Nkosi, JM Coetzee, Nadine Gordimer, André Brink, Ena Murray, Francois Bloemhof, Achmat Dangor, Alan Paton, and Niq Mhlongo. The oldest book is Olive Schreiner’s 1883 classic, *The Story of an African Farm*, and the most recent is Mary Watson’s 2017 novel *The Wren Hunt*.

3.2 International authors

Not surprisingly, South Africans consume fiction from all over the world, so we created a database of prominent international authors whose dates of death placed some of their books in the public domain and others not. We clustered authors within two closely related periods. One set of 103 authors died between 1957–66, resulting in all of their 1 598 works being in the public domain in South Africa, while the other set of 78 authors died between 1969–78, meaning that all 1 623 of their works are still protected by copyright. The 3 221 works are either novels or short story collections, either originally written in English or translated into English.²³

We identified prominent authors from a website that tracks the death of famous people from around the world on a year-by-year basis.²⁴ Then, we identified all authors who died between 1957–66 and 1967–78 and who

22 https://en.wikipedia.org/wiki/List_of_South_African_writers (accessed on 29 October 2019).

23 We did not identify works translated into Afrikaans.

24 <https://www.onthisday.com/deaths-calendar.php> (accessed on 29 October 2019).

published at least one novel or collection of short stories in English, including translations from other languages. A wide variety of authors from different countries are represented, including well-known writers like Laura Ingalls Wilder, Pearl Buck, and Ernest Hemingway (US); Dorothy Sayers, Ian Fleming, Agatha Christie, and PG Wodehouse (UK); Nikos Kazantzakis (Greece); Albert Camus and Francois Mauriac (France); Boris Pasternak and Vladimir Nabokov (Russia); Mazo de la Roche (Canada); Nevil Shute (Australia); Hermann Hesse (Germany); and lesser-known writers like Alexei Remizov (Russia), Toivo Pekkanen (Finland), Boris Vian (France), Ahmed Tapinar (Turkey), Elio Vittorini (Italy), Georges Calinescu (Romania), Stijn Streuvels (Belgium), Armijn Pane (Indonesia), Padraic Colum (Ireland), and Manuel Rojas (Chile). The full list of 179 authors is contained in Appendix B.

We collected the birth and death dates of each author; the number of novels and short story collections listed on each author's Wikipedia page; the number of ebooks from each author available on Amazon.com (US) or Amazon.ca (Canada) (which at the time of the data collection had a copyright term of life-of-the author plus 50 years). Ebooks from both websites are readily available for download in South Africa.²⁵ For the public domain books in the data set, we also checked to see which were available for free download at the Google Books Project web site.²⁶ Finally, in order to control for the possibility that one set of authors was more popular, we counted the number of Wikipedia page views for each author's Wikipedia page over a two-year period.

Instead of creating a spreadsheet for each of the 3 121 books written by the authors in our data set, we counted the number of titles available at each source for each author. We then divided the number of titles available from the most numerous source (Amazon.com or Amazon.ca) by number of total titles published by each author. For example, prolific mystery writer Mary Roberts Rinehart (1876–1958) published 59 novels. Thirty-seven are available on Amazon.com (US), while 42 are available on Amazon.ca (CA). We use the higher of the two numbers to estimate an overall Amazon in-print rate of 42/59 (71%). The actual rate might be higher if some of the Amazon.com (US) titles are not available on the Canadian version of the web site. If two of the Rinehart Amazon.com (US) titles are not available on the Canadian web site, then the real (unreported) rate would be 44/59 (75%). Overall, the number of public domain titles offered by the two versions of Amazon often varied, but the difference in the total number of public domain titles offered was not significant in the statistical sense.

25 Interestingly, this includes titles from Amazon.com (US) that are in the public domain in the United States, but are not in the public domain in life-plus-fifty jurisdictions. For example, Amazon should not be offering in South Africa an unauthorized edition of *Howard's End* (1910) by E.M. Forster (1879–1970), while it is still under copyright there. However, South African consumers searching Amazon.com (US) will find at least 23 Kindle editions available for purchase, most of them independently published, including a free edition from Dover Thrift Classics.

26 <https://books.google.com/> (accessed on 29 October 2019)

We have also noted when the Google Books Project makes public domain titles freely available in excess of either the Amazon (US) or Amazon (CA) rates. For example, 54 of Mary Roberts Rinehart's 59 novels are available via Google Books Projects, for an availability rate of almost 92%.

3.3 Pricing data

Accurate price analysis requires apple-to-apple comparisons. The most careful previous studies compared the prices of copyrighted and public domain titles published by the same publisher in the same series, eg Random House's Penguin Classics.²⁷ Other sorts of comparisons risk finding price differences that might be driven by the quality of the editions, rather than the legal status of the underlying titles. With this in mind, we conducted an ebook price comparison of copyrighted and public domain titles on the Canadian Vintage (Penguin) Books web site. We initially identified 19 authors whose books were in the public domain and 19 authors whose books were still under copyright by querying 'Publisher: "Penguin Classics"' on the Amazon.ca (Canada) web site. Unfortunately, many non-Random House publishers claim to be 'Penguin' in order to improve their search results, so it became unwieldy to create a sufficiently sized database using Amazon.ca (Canada). Instead, we identified 90 books written by the previously identified 38 authors on the Canadian Vintage Books sales site.²⁸ The titles are listed in Appendix C.

In order to measure prices in the market for bound volumes in South Africa, we searched for the same 90 public domain and copyrighted books on Takealot.com and identified the lowest price for each of the 82 available titles (listed in Appendix D).²⁹ We note that the Takealot.com comparison was not apples-to-apples, because the lowest prices were from a variety of different publishers. We also note that Amazon.com has begun for the first time to use a reliable delivery service to South Africa, so previously reported US price comparisons should now be applicable in South Africa. In fact, the public domain/copyrighted price differential that we report, using the Takealot.com data, parallels previously reported data from the US market.

4. DATA ANALYSIS

The data collected on the availability of books in South Africa written by domestic authors and international authors, and the price differences between public domain and copyrighted titles suggest that South African book markets do not precisely parallel the US experience. Nonetheless, the data suggest that copyright term extension in South Africa would impose significant costs on consumers.

27 Heald (n5).

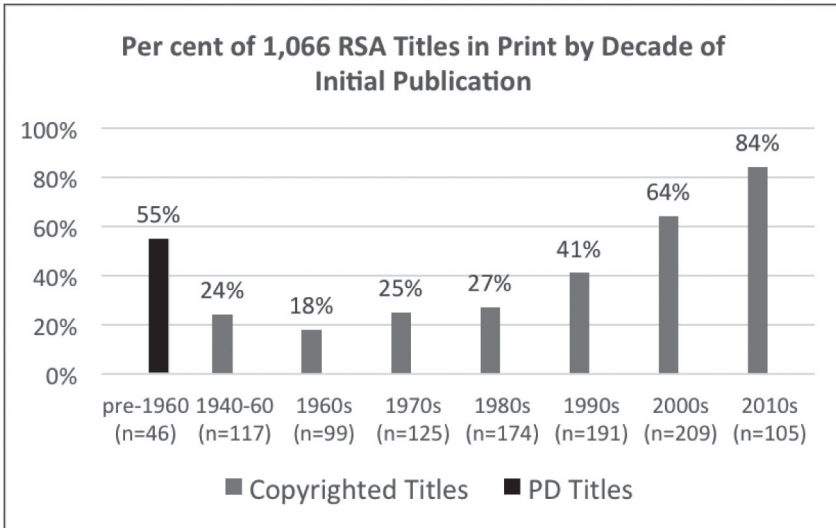
28 <https://www.penguinrandomhouse.ca/imprints/KC/vintage-canada> (accessed on 29 October 2019).

29 The lowest price was measured by the lowest price for an edition that was visually represented by a cover illustration icon. Sometimes bound volumes are sold on Takealot without a visual marker, and we doubted the authenticity of those publishers.

4.1 Availability of South African fiction in all formats

The small number of public domain titles written by South African authors constrained the interpretation of the results. A title was counted as ‘available’ if it was in print as an ebook on Amazon.com (US) or as an ebook or bound volume from Takealot.com (RSA). Figure 2 below illustrates how public domain status is correlated with a positive increase in in-print status.³⁰

Figure 2: RSA Book Availability by Decade of Initial Publication



The availability of copyrighted South African fiction published initially from 1940–1960 hovers around 24%. Public domain fiction from the period before 1960³¹ is in print at a 55% rate. If age were the only variable affecting the in-print status of the titles under analysis, then one would expect the oldest titles to be the least available; yet, the pre-1960 public domain titles are in print at a higher rate than the copyrighted titles from the 1990s. However, due to the small number of titles in the public domain written by South African authors (n=46), the statistical significance of the increase in availability is muted. The increase for bound volumes was significant, but the increase for ebooks was not. A full statistical analysis is available at https://pages.law.illinois.edu/law_content/people/heald/Stat427-South-Africa-Book-report.pdf.

Freely downloadable titles increase the availability of public domain South African fiction from the Google Books Project.³² Google initially digitised the contents of several major libraries, including the collections at Harvard University, the University of Michigan, the New York Public Library,

30 Appendix D.

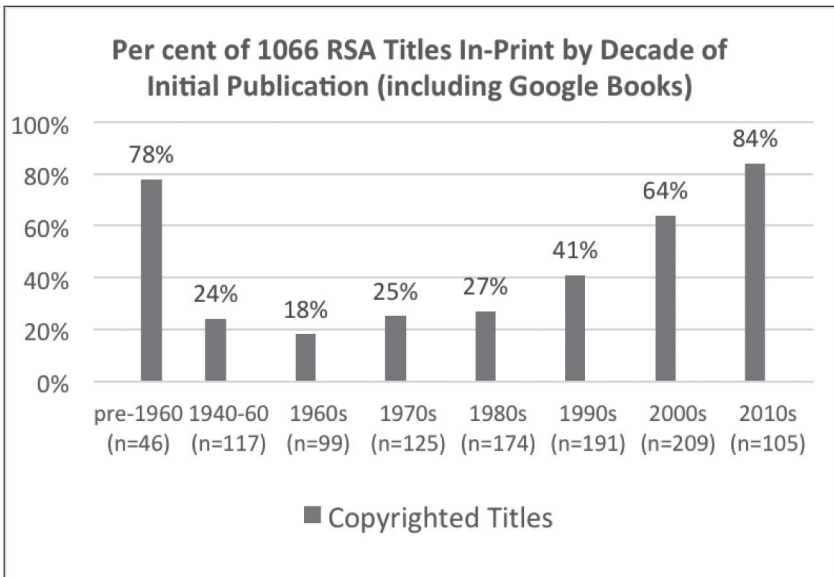
31 A handful of public domain works published in the 1960s is omitted from the analysis due to their small numbers.

32 <https://books.google.com/> (accessed on 29 October 2019).

Stanford University, and the Bodleian Library at Oxford. Later partners such as Columbia University, the University of Ghent, and the University of California, have added to the present digitised collection. These libraries contain many millions of titles which Google makes available to South Africans as free downloads. Although Google uses US public domain rules to classify a work as freely available, a convenient link enables downloaders from life-plus jurisdictions to request and achieve access to books not in the public domain in the US.³³

Figure 3 below illustrates the extent to which South African public domain fiction is more available than newer copyrighted South African fiction when Google Books Project downloadable books are counted.

Figure 3: RSA Titles In-Print by Decade of Initial Publication



The figure provides a nice illustration of the value of the Google Books initiative. Considering Google book titles, the increase in availability is significant for both ebooks and bound volumes. One should note, however, that the Google Book titles are typically available only as .pdf downloads, as opposed to reformatted Kindle versions.

33 Filling out a form at <https://support.google.com/websearch/answer/6113327> (accessed on 29 October 2019) allows consumers in South Africa access to books that are copyrighted in the US but in the public domain in South Africa. The request must come from a South African IP address. Google does pro-actively tailor availability to the various differing copyright term lengths around the world. One must make a positive request to move it from the baseline presumption that US rules apply.

4.2 Availability of international fiction in ebook format

The availability in South Africa of 3 121 books by international authors who died between 1957–66 (public domain) and 1969–78 (copyright) can also be compared. Of the 1 498 public domain titles, 43% were available in South Africa from Amazon.com (US) or Amazon.com (Canada). Of the 1 623 copyrighted titles, 37% were available as ebooks in South Africa from the same two online sources. The difference is statistically significant, with the formal analysis set forth at https://pages.law.illinois.edu/law_content/people/heald/Stat427-South-Africa-Book-report.pdf.

Previous data on US book markets show a greater difference between the availability of public domain and copyrighted titles. The in-print differential of the titles studied here (43% to 37%) might be muted for three reasons. First, the US data in Figure 1 was collected in a random sample of all fiction on Amazon.com. The international authors subject to the present research were not randomly chosen, but rather consist of well-known authors with international reputations. When titles from well-known authors are compared, differences in availability shrink due to increased publisher interest. For example, a 2008 study of 334 top-selling US novels from 1913–32 found that 98% of public domain titles were in print, while 74% of the copyrighted titles were in print, a significant, but not eye-popping difference.³⁴

In addition, the data collected on international authors did not include the date of publication of each title. Newer books are more likely to be in print, so lack of data on the publication date of each title means that the variable of recency of publication was not controlled for. Since the copyrighted books as a group are newer,³⁵ the inability to control for recency might inflate the in-print rate for copyrighted titles as compared to the public domain titles, muting the positive public domain effect.

Finally, the comparatively small size of life-plus-50 markets may not entice as many publishers to take advantage of the public domain status of works there. The most important life-plus-50 markets for English fiction are Canada (37 million inhabitants), South Africa (58 million), and New Zealand (5 million). These three countries have a total population of approximately 100 million, compared to the US total of 330 million. Moreover, the purchasing power of US consumers, although comparable on average to Canadians and New Zealanders, far outstrips that of South African consumers, who make up over 58% of the population of these three combined life-plus-50 markets. Publishers may focus on the more lucrative US market, with its user-friendly 75-year term for older works, while investing fewer resources in life-plus-50 markets.

Evidence of the comparative lack of investment in life-plus-50 markets can be found in data collected on the authors who died between 1957–66. All of their 1 498 works are in the public domain in Canada, but only 235 of those

³⁴ Heald 'Property Rights' (n5) 1040–41.

³⁵ The public domain books were on average written by authors 18 years younger than the authors of the copyrighted books.

works are in the public domain in the US. Given the results of numerous prior studies demonstrating the positive effect of public domain status, one would predict many more of these titles would be available on Amazon.ca (Canada) than on Amazon.com (US). Instead, the ebook availability rate is almost the same, 40% on Amazon.ca (Canada) and 39% on Amazon.com (US). Moreover, of the 235 titles in the public domain only in the US, we found 51% (120) to be in print, significantly more than the 40% rate for books in the public domain in Canada. In fact, part of the 40% rate for Canadian public domain titles may be driven by publishers targeting the US market under the US term rule and only incidentally marketing the book on Amazon.ca (Canada). For example, the only titles available from Ethel Turner (1873–1958) or Kathleen Norris (1880–1966) available from Amazon.ca (Canada) are those that are in the public domain in the US.³⁶ None of their post-1923 titles is in print as ebooks in Canada.

As with titles by South African authors, books available for free from Google Books, but not available on Amazon, increase the availability of public domain titles. Adding 310 extra public domain titles from Google Books raises the availability of the public domain titles from 43% to 64%, which is highly significantly more than the 37% of copyrighted titles available.

4.3 Pricing of ebooks and bound volumes

Not surprisingly, copyrighted books are significantly higher priced than their public domain counterparts, at times evidencing true monopoly pricing. Copyright term extension in South Africa would almost certainly result in the maintenance of higher prices.

Bound Volumes. At the time data was collected, Amazon.com had not established a reliable delivery system in South Africa, so we compared book prices on Takealot.com, the largest seller of books in South Africa. Using a list of authors and titles sampled from the Vintage Classics collection offered by Random House,³⁷ we searched for the lowest price for each edition offered on Takealot.com, regardless of publisher.³⁸ The 43 copyrighted books in the sample sold for an average price of \$17.74 USD, while the public domain book average price was \$14.44. Since the public domain books had a slightly higher page count, we calculated a per page comparison of \$.052 to \$.039. Although Amazon is now selling bound volumes securely to South African consumers, we note the Takealot.com price discrepancy of approximately \$.013/page is – almost the same as found in an earlier study of Penguin Classics pricing, where the US price difference was found to be \$.014/page.³⁹

36 These two authors combined to publish 135 titles, 8 of which are in currently available as ebooks.

37 List of Authors and titles available in Appendix D.

38 Takealot.com lacks an advanced search feature which would have allowed a search by publisher to identify Random House editions of each title.

39 Heald (n5) 1049.

If one assumes that authors receive a 20% royalty from their publishers,⁴⁰ one can see that the price difference between bound volumes of copyrighted and public domain books seems to be driven by the additional royalty cost that a publisher of a copyrighted book must bear. If one subtracts a 20% (\$3.55) royalty from the \$17.74 price of a copyrighted book, the remainder is \$14.19, which is very close to the \$14.41 average price of the public domain volumes. This is quite consistent with prior research comparing pricing data on bound volumes.⁴¹

Ebooks. In the digital book market, we were able to make a true apple-apple analysis by comparing the prices of books offered by the same publisher in the same series of books from the publisher's own web site.⁴² We compared the price of 49 Vintage Classics (Random House Canada) that were still under copyright with the price of 41 public domain titles in the same series. The average price for the copyrighted titles was \$12.53, while the average price for the public domain titles was \$6.76. Given that the public domain titles (451 pages) were substantially longer than the copyrighted titles (322 pages), we calculated a per-page price differential of \$.015 to \$.039. Strikingly, the higher price charged for the copyrighted editions is much too large to be caused simply by publishers having to pay royalties.

Again, if one assumes that Random House pays authors a 20% royalty (\$2.51 on the average price per book of \$12.53), then Random House clears \$10.02 on the average copyrighted book in the data set, much higher than the \$6.76 average price it charges for its public domain titles. We have no proprietary Vintage Classic sales data, but Random House prices its books as if copyright confers a significant level of market power.

The large price discrepancy in the ebook market, as opposed to the market for bound volumes, has two potential explanations. First, the competition in the public domain ebook market is intense, which puts significant downward pressure on pricing. For example, a search for Kindle versions of *Jane Eyre* (an example from the dataset) on Amazon.com (US) returned 262 editions, with a low price of \$0.00 offered by Amazon Classics. Some of the editions are duplicates, but well over a hundred versions compete in the market for the Bronte classic. Such intense price pressure undoubtedly widens the price gap between copyrighted and public domain titles.

Second, in the market for bound volumes, a publisher of copyrighted titles and public domain titles, like Random House, incurs significant printing costs. A publisher should not find it cheaper mechanically to print a public domain book than a copyrighted book. This shared expense, which is non-trivial, may narrow the copyrighted/public-domain price gap in the market for hardback and paperback books.

40 A Adsett 'Just a Standard Contract' *Writers Victoria* (15 March 2014). available at writersvictoria.org.au/resources/publishing-tips-and-tools/just-standard-contract (accessed on 29 October 2019); E Keating 'Status Update: ebooks' *Bookseller + Publisher Magazine* (July 2011) 14.

41 Heald 'Property Rights' (n5) 1048–49.

42 List of authors and titles available in Appendix F.

5. IMPROVING AVAILABILITY: USED BOOK MARKETS AND REVERSION OF COPYRIGHTS FROM PUBLISHERS TO AUTHORS

Previous studies have raised the possibility that a robust market for used books might help alleviate availability problems caused by long copyright terms. Also, enhanced copyright reversion rights for authors have been associated with increased in-print rates for some sets of books in the US.

5.1 Used book markets in South Africa

No comprehensive database enables searching for all used books offered for sale in South Africa. Abesbooks.com, however, the largest worldwide platform for used booksellers, allows search by bookseller country. At the time of data collection, approximately a dozen South African used booksellers offered books on Abesbooks.com. Although data gathered there offers only a slice of the market, the results suggest that used books cannot substitute for new editions in South Africa. Copies of some books were plentiful, for example, Fitzpatrick's *Jock of the Bushveld* (55 copies), Nadine Gordimer's *A Guest of Honor* (20), Elsa Joubert's *Die swerfjare van Poppie Nongena* (26); Mary Watson's *The Wren Hunt* (28), and JM Coetzee's *Disgrace* (22). Analysing all the 1 066 books, however, reveals a depressing statistic: the median number of used books available was 1.

Even if numerous used copies were available, at least one empirical analysis suggests that consumers do not consider used books to be adequate market substitutes for new editions.⁴³ More importantly, new editions offer the public an informational advantage over used books. The publisher of a new edition has a profit motive to inform the public about the book and convince consumers that it is worthy of purchase. This dynamic, typically absent in the used book market, increases the quantity of information in the marketplace for literature.

5.2 Rights reversion

Data from the American book market strongly suggests that statutes reverting copyright to authors help bring older books back into print.⁴⁴ In the US, an author of a work published after 1978 has an inalienable right to reacquire the transferred copyright in year 35 after the transfer.⁴⁵ The estates of authors of older works have a similar opportunity at year 56 (and sometimes year 75) after publication.⁴⁶ A study of 769 books by 60 bestselling authors,⁴⁷ 690

43 A Ghose, M Smith and R Telang 'Internet Exchanges for Used Books: An Empirical Analysis of Product Cannibalization and Product Impact' (2006) 17 *Information Systems Research* 3.

44 P Heald 'Copyright Reversion to Authors (and the *Rosetta* Effect): An Empirical Study of Reappearing Books' available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3084920 (accessed on 29 October 2019).

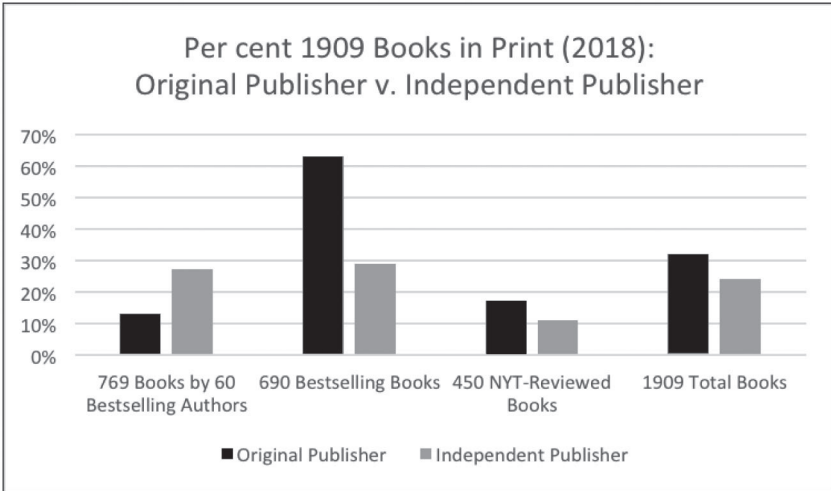
45 Section 304 of 17 U.S.C.

46 Section 203 of 17 U.S.C.

47 Defined as an author who wrote at least one book that finished as one of the *New York Times* top ten bestsellers for a particular year.

bestselling books,⁴⁸ and 450 *New York Times* reviewed books, shows that new independent presses – and not original publishers – are responsible for a significant number of new editions.

Figure 4: Books in Print



Many of the new, independent presses make clear on their web sites that their business models are designed to take advantage of US rights reversion rules.⁴⁹ Approximately 20% of the 1909 titles in the sample were made available by such publishers.⁵⁰ Authors and authors' estates in the US take advantage of rights reversion to bring books back into print that would otherwise languish in the hands of the original transferee of the copyright.

South African data is more equivocal. Under South African law, a copyright reverts to the heirs of an author 25 years after the author's death, but only for works published before July 1966.⁵¹ Seventy-six books by South African authors in the data set fell into this category. To ensure the most accurate comparison, we measured the in-print rate (33%) for the 44 reverted books published from 1940–1965 and the in-print rate (23%) for the 122 non-reverted books over the same time period. Due to the small sample size, the difference is statistically insignificant. The limitation of reversion to pre-1966 books may reduce its usefulness. Of course, it is also not clear how many heirs of South African authors are aware of their rights.

Copyright legislation introduced to the South African National Assembly contains a provision that would effectively revert copyrights to authors in year

48 Defined as a book that spent at least one week in the top ten *New York Times* bestseller list.

49 Heald (n44).

50 Ibid.

51 Copyright Act of 1911 §5(2) (UK) and the Patents, Designs, Trade Marks, and Copyright Act of 1916 s 143 (RSA).

25 after a transfer.⁵² Such a change in the law would radically broaden authors' rights. Data from the US show a promising role for rights reversion, but extant US studies measure in-print rates of books published from the 1950s to the 1980s. In the pre-digital era, publishers needed to manage physical warehouse space (and consider the tax consequences of maintaining large inventory), causing a high percentage of titles to fall out of print, creating the availability crisis discussed in Part I. Titles published today in digital form are less likely to go out of print because a publisher can keep them available online indefinitely for little cost. Therefore, purely prospective application of the proposed South Africa legislation to future books may not necessarily increase the in-print rate of books published after its passing.

A retroactive version of the proposed legislation, which reverted rights in older, out-of-print works to authors, would be much more likely to stimulate the sort of positive effect on availability seen in the US. Whether retroactive application would run afoul of the Property Clause (Article 25) of the 1996 South African Constitution would be an interesting matter for debate among constitutional lawyers.

Finally, reversion of rights to authors may have a positive effect beyond incentivising works to come back into print. Authors sometimes complain about the high list price publishers charge for their books. An author wishing to maximise sales may logically prefer a reduction in the price of his or her book. Although US studies did not collect price data, rights reversion clearly puts pricing back in the hands of the author, possibly to the benefit of consumers.

6. CONCLUSION

Broadly consistent with studies of the US book market, the present study of South African and international authors demonstrates the significant positive effect of public domain status on the availability and price of books in South Africa. If South Africa accedes to international pressure to increase the term of copyright protection from life-of-the-author plus 50 to life-of-the-author plus 70 years, consumers can expect to see fewer book titles in print and higher prices. One surprisingly robust finding involves the availability of public domain titles from the Google Books Project. The combined availability on Amazon.com and Takealot.com for the public domain titles written by South African authors was 55%. Additional titles available as free downloads from the Google Books Project increases the rate to 78%. Among international authors, the availability rate for public domain titles increased from 43% to 64% with the inclusion of Google Book Project titles. Certainly, one of the

52 Proposed amendment to section 22(3) of the Copyright Act reads: 'No assignment of copyright and no exclusive licence to do an act which is subject to copyright shall . . . be valid for a period of up to 25 years from the date of such assignment.' See https://www.gov.za/sites/default/files/gcis_document/201705/b13-2017copyright170516.pdf (accessed on 29 October 2019). The Copyright Committee of the Law Society of South Africa suggests that the proposed amendment was meant to apply to music only. Submission on the Copyright Amendment Bill (2017) 50, available at <https://www.lssa.org.za/upload/LSSA%20Submission%20on%20Copyright%20Amendment%20Bill%20202.pdf> (accessed on 29 October 2019).

most unexpected findings is the usefulness of the Google link that allows South Africa consumers to access digital copies of public domain books at no cost.⁵³

Appendix A: 116 South African Authors

First	Last	Birth	Death
Lionel	Abrahams	1928	2004
Peter	Abrahams	1919	2017
Wilna	Adriaanse	1958	
Tatamkhulu	Africa	1920	2002
Hennie	Aucamp	1934	
Diane	Awerbuck	1974	
Margaret	Bakkes	1932	2016
Shabbir	Banoobhai	1949	
Lesley	Beake	1949	
Lesley	Beake	1949	
Mark	Behr	1963	2015
Dricky	Beukes	1918	1999
Troy	Blacklaws	1965	
François	Bloemhof	1962	
Diphete	Bopape	1957	
Herman Charles	Bosman	1905	1951
Alba	Bouwer	1920	2010
Breyten	Breytenbach	1939	
André	Brink	1935	2015
Stuart	Cloete	1897	1976
John Maxwell	Coetzee	1940	
Bryce	Courtenay	1933	2012
Achmat	Dangor	1948	
RRR	Dhlomo	1901	1971
Finuala	Dowling	1962	
K Sello	Duiker	1974	2005
Ahmed	Essop	1931	
James Percy	FitzPatrick	1862	1931
Charles J	Fourie	1965	
Lynne	Freed	1945	
Dave	Freer	1959	
Athol	Fugard	1932	
Sheila Meiring	Fugard	1932	
Damon	Galgut	1963	
Nadine	Gordimer	1923	2014
Stephen	Gray	1941	
Michael Cawood	Green	1954	

53 <https://support.google.com/websearch/answer/6113327> (accessed on 29 October 2019).

First	Last	Birth	Death
Joan	Hambidge	1956	
Bessie	Head	1937	1986
Cat	Hellisen	1977	
Manu	Herbstein	1936	
Christopher	Hope	1944	
Emma	Huismans	1947	
Robin	Hyde	1906	1939
Mhlobo	Jadezwi	1954	
Elsa	Joubert	1922	1998
Farida	Karodia	1942	
Robert	Kirby	1936	2007
Antjie	Krog	1952	
Mazisi	Kunene	1930	2006
Richard	Kunzmann	1976	
Alex	LaGuma	1925	1985
David	Lambkin	1947	
Anne	Landsman	1959	
Mandla	Langa	1950	
CJ Cornelius	Langenhoven	1873	1932
Etienne	Leroux	1922	1989
Maria Elizabeth Rothman	Rothman	1875	1975
Rozena	Maart	1962	
Sindiwe	Magona	1943	
Arthur	Maimane	1932	2005
Angela	Makholwa	1976	
Don	Mattera	1935	
Dalene	Mathee	1938	2005
James	McClure	1939	2006
Deon	Meyer	1958	
Thando	Mgqolozana	1983	
Niq	Mhlongo	1973	
Gcina	Mhlope	1958	
Phaswane	Mpe	1970	2004
SEKLN	Mqhayi	1875	1945
Ena	Murray	1936	2015
Vusamazulu Credo	Mutwa	1921	
Njabulo	Ndebele	1948	
Lauretta	Ngcobo	1931	2015
Lewis	Nkosi	1936	2010
Sibusiso	Nyembezi	1919	2000
Joy Peterson	Packer	1905	1977
Alan	Paton	1903	1988
Jan	Rabie	1920	2001
Mary	Renault	1905	1983

First	Last	Birth	Death
Richard	Rive	1931	1989
Dan	Roodt	1957	
Daphne	Rooke	1914	2009
Henrietta	Rose-Innes	1974	
Karel	Schoeman	1939	2017
Alan	Scholefield	1931	2017
Patricia	Schonstein	1952	
Olive	Schreiner	1855	1920
Sipho	Sepamla	1932	2007
Mongane Wally	Serote	1944	
Gillian	Slovo	1952	
Adam	Small	1936	2016
Wilbur	Smith	1933	
Jason	Staggie	1984	
Willem	Steenkamp	1940	
Sylvester	Stein	1920	2015
Cynthia	Stockley	1873	1936
Miriam	Tlali	1933	2017
John	van de Ruit	1975	
Laurens	van der Post	1906	1996
Etienne	van Heerden	1954	
John	van Melle	1887	1953
Marlene	van Niekerk	1954	
Christopher	van Wyk	1957	2014
FA	Venter	1916	1997
Nicholaas	Vergunst	1958	
Benedict Wallet	Vilakazi	1906	1947
Ingrid/Lettie	Winterbach/Viljoen	1948	
Ivan	Vladislavić	1957	
Zukiswa	Wanner	1976	
Mary	Watson	1975	
Zoë	Wicomb	1948	
Mark	Winkler	1966	
Rachel	Zadok	1972	
Rose	Zwi	1928	

Appendix B: 179 International Authors

First name	Surname	Birth	Death
Samuel Hopkins	Adams	1871	1958
Shmuel Yosef (S.Y.)	Agnon	1988	1970
Mark	Aldanov	1886	1957
Aris	Alexandrou	1922	1978
Stefan	Andres	1906	1970
Ivo	Andric	1892	1975

First name	Surname	Birth	Death
Hubert	Aquin	1929	1977
Frank	Arnau	1894	1976
Sholem	Asch	1880	1957
Miguel Angel	Asturias	1899	1974
Nigel	Balchin	1908	1970
Faith	Baldwin	1893	1978
Vicki (Hedwig)	Baum	1888	1960
Konrad	Bayer	1932	1964
Jens	Bjerneboe	1920	1976
Anna	Blaman	1858	1960
Johannes	Bobrowski	1917	1965
Elizabeth	Bowen	1899	1973
Jane	Bowles	1917	1973
Willi	Bredel	1901	1964
Pearl	Buck	1892	1973
Dino	Buzzati	1906	1972
George	Calinescu	1899	1965
John W	Campbell	1910	1971
Albert	Camus	1913	1960
Dickson/Carter	Carr/Dickson	1906	1977
Joyce	Cary	1888	1957
Louis	Celine	1894	1961
Raymond	Chandler	1888	1959
George	Chevallier	1895	1969
Agatha	Christie	1890	1976
Jean	Cocteau	1889	1963
Padraic	Colum	1881	1972
James Gould	Cozzens	1903	1978
Richmal	Crompton	1890	1969
Joy Gresham	Davidman	1905	1960
HL (Harold Lenoir)	Davis	1894	1960
Cecil (Nicholas)	Day-Lewis (Blake)	1904	1972
Mazo	de la Roche	1879	1961
Jorge	de Sena	1919	1978
August	Derleth	1909	1971
Anne	deVries	1904	1964
Johan	Diasne	1912	1978
Isak	Dineson	1885	1962
WEB	Du Bois	1896	1963
(Roger) Martin	du Gard	1881	1958
Georges	Duhamel	1884	1966
Julio Cesar	e Souza	1895	1974
Lord Dunsany	Edward JMD Plunkett	1878	1957
Willem	Elsschot	1882	1960

First name	Surname	Birth	Death
Richard	Farina	1937	1966
William	Faulkner	1897	1962
Konstantin	Fedin	1892	1977
Ian	Fleming	1908	1964
CS	Forester	1899	1966
EM	Forster	1879	1970
Leonhard	Frank	1882	1961
Gerhard	Fritsch	1924	1969
Romulo	Gallegos	1884	1969
Paul	Gallico	1897	1976
Manuel	Galvez	1882	1962
Konstantine	Gamsakhurdia	1893	1975
Erle Stanley	Gardner	1889	1970
Witold	Gombrowicz	1904	1969
Paul	Goodman	1911	1972
John	Gunther	1901	1970
Brett	Halliday	1904	1977
Dashiell	Hammett	1894	1961
Theo	Harych	1903	1958
Marlen	Haushofer	1920	1970
Ernest	Hemingway	1899	1961
Hermann	Hesse	1877	1962
Georgette	Heyer	1902	1975
Zora Neale	Hurston	1891	1960
Aldous	Huxley	1894	1963
Laura	Ingalls Wilder	1867	1957
Shirley	Jackson	1916	1965
George (Shane)	Johnston (Martin)	1912	1970
James	Jones	1921	1977
M (Dimitris Rodopoulos)	Karagatsis	1908	1960
Nikos	Kavvadias	1910	1975
Nikos	Kazantzakis	1883	1957
Frances Parkinson	Keyes	1885	1970
John	Knittel	1891	1970
Ronald A	Knox	1888	1957
Cyril	Kornbluth	1923	1958
Leon	Kruczkowski	1900	1962
Alfred	Kubin	1877	1959
Henry	Kuttner	1915	1958
Oliver	La Farge	1901	1963
Par	Lagerkvist	1891	1974
Horst	Lange	1904	1971
Enrique	Larreta	1875	1961
Nella	Larsen	1891	1964

First name	Surname	Birth	Death
Murray	Leinster	1896	1975
Wyndham	Lewis	1882	1957
CS	Lewis	1898	1963
Malcolm	Lowry	1905	1957
Rose	Macaulay	1881	1958
Curzio (Kurt E)	Malaparte (Suckert)	1898	1957
Hans	Marchwitza	1890	1964
John P	Marquand	1893	1960
Moa	Martinson	1890	1964
Harry	Martinson	1904	1978
Somerset	Maugham	1874	1965
Francois	Mauriac	1885	1970
Grace (Marie G Repentigny)	Metalious	1924	1964
Nancy	Mitford	1904	1973
Vladimir	Nabokov	1899	1977
Anais	Nin	1903	1977
Clara	Nordstrom	1886	1962
Kathleen	Norris	1880	1966
Flannery	O'Connor	1925	1964
Yury	Olesha	1899	1960
Karl	Otten	1889	1963
Marcel	Pagnol	1895	1974
Vance	Palmer	1885	1959
Armijn	Pane	1908	1970
Edgar	Pangborn	1909	1976
Philippe Ringuet	Panneton	1895	1960
Vera	Panova	1905	1973
Boris	Pasternak	1890	1960
Toivo	Pekkanen	1905	1957
Eden	Phillpotts	1862	1960
H Beam	Piper	1904	1964
Sylvia	Plath	1932	1963
Emily	Post	1872	1960
John Cowper	Powys	1872	1963
Jacques	Presser	1899	1970
Gustav	Regler	1898	1963
Alexei	Remizov	1877	1957
Mary Roberts	Rinehart	1876	1958
Sax	Rohmer	1888	1959
Manuel	Rojas	1896	1973
Jules	Romains	1885	1972
Eric Frank	Russell	1905	1978
Vita	Sackville-West	1892	1962
Fran	Saleski Finzgar	1897	1962

First name	Surname	Birth	Death
Sally	Salminen	1906	1976
Mari	Sandoz	1896	1966
Lope	Santos	1879	1963
Dorothy L	Sayers	1893	1957
Robert	Shaw	1927	1978
Neville	Shute	1899	1960
Frans Eemil	Sillanpaa	1888	1964
Ignazio	Silone	1900	1978
Edith	Sitwell	1887	1964
Osbert	Sitwell	1892	1969
Antanas	Skema	1910	1961
Betty	Smith	1896	1972
Cordwainer/Felix	Smith/Forrest	1913	1966
Howard	Spring	1889	1965
Stijn	Streuvels	1871	1969
Thomas	Swann	1928	1976
Ahmed	Tanpinar	1901	1962
Yiorgos	Theotokas	1906	1966
Ruth P	Thompson	1891	1976
James	Thurber	1894	1961
Bruno	Traven		1969
Violet	Trefusis	1894	1972
Elsa (Ella)	Triolet (Kagan)	1896	1970
Ethel	Turner	1873	1958
Roger	Vailland	1907	1965
Tarjei	Vesaas	1897	1970
Boris	Vian	1920	1959
Charles	Vidrac	1882	1971
Elio	Vittorini	1908	1966
Hugo	Wast	1893	1962
Evelyn	Waugh	1903	1966
Terrence Hanbury	White	1906	1964
Henry	Williamson	1895	1977
PG	Wodehouse	1881	1975
Leonard	Woolf	1880	1969
Richard	Wright	1908	1960
John	Wyndham [Beynon]	1903	1969
Stark	Young	1881	1963
Lin	Yutang	1895	1976
Mikhail	Zoshchenko	1894	1958

Appendix C: 90 Public Domain and Copyrighted Titles from Vintage
Classics (Canada)

Author	Death Date	Title
Charlotte Bronte	1855	<i>Jane Eyre</i>
Charlotte Bronte	1855	<i>Villette</i>
Charlotte Bronte	1855	<i>Shirley</i>
Charlotte Bronte	1855	<i>The Professor</i>
Emily Bronte	1848	<i>Wuthering Heights</i>
Anne Bronte	1849	<i>Agnes Grey</i>
Anne Bronte	1849	<i>Tenant of Wildfell Hall</i>
Herman Melville	1891	<i>Melville Collection</i>
Herman Melville	1891	<i>Billy Budd</i>
Herman Melville	1891	<i>Omoo</i>
Herman Melville	1891	<i>Selected Poems</i>
Herman Melville	1891	<i>Piazza Tales</i>
Herman Melville	1891	<i>Typee</i>
Elizabeth Phelps	1911	<i>The Gates Ajar</i>
Henry James	1936	<i>Collected Stories</i>
Henry James	1936	<i>Turn of the Screw</i>
Henry James	1936	<i>The Ambassadors</i>
Joseph Conrad	1924	<i>Youth and two other stories</i>
Joseph Conrad	1924	<i>Shadow-Line</i>
Joseph Conrad	1924	<i>Nostramo</i>
Joseph Conrad	1924	<i>Heart of Darkness</i>
HP Lovecraft	1937	<i>Necronomicon</i>
HP Lovecraft	1937	<i>Waking Up Screaming</i>
HP Lovecraft	1937	<i>Dream Cycle</i>
HP Lovecraft	1937	<i>Bloodcurdling Tales</i>
Willa Cather	1947	<i>My Antonia</i>
Willa Cather	1947	<i>Coming Aphrodite</i>
Willa Cather	1947	<i>The Professor's House</i>
Willa Cather	1947	<i>Death Comes for the Archbishop</i>
Willa Cather	1947	<i>O Pioneers!</i>
Shirley Jackson	1965	<i>Haunting of Hill House</i>
Shirley Jackson	1965	<i>The Road through the Wall</i>
Shirley Jackson	1965	<i>Hangsaman</i>
Shirley Jackson	1965	<i>The Bird's Nest</i>
Shirley Jackson	1965	<i>The Lottery</i>
Mark Twain	1910	<i>Tom Sawyer & Huck Finn</i>
Mark Twain	1910	<i>Puddin'head Wilson</i>
Mark Twain	1910	<i>Mysterious Stranger & Other Stories</i>
Mark Twain	1910	<i>Life on the Mississippi</i>
Mark Twain	1910	<i>Roughing It</i>
William James	1916	<i>The Varieties of Religious Experience</i>
John Steinbeck	1969	<i>East of Eden</i>

Author	Death Date	Title
John Steinbeck	1969	<i>The Moon is Down</i>
John Steinbeck	1969	<i>Red Pony</i>
John Steinbeck	1969	<i>The Pearl</i>
John Steinbeck	1969	<i>Tortilla Flat</i>
Hannah Arendt	1975	<i>Freedom to be Free</i>
Hannah Arendt	1975	<i>The Jewish Writings</i>
Hannah Arendt	1975	<i>The Promise of Politics</i>
Hannah Arendt	1975	<i>Responsibility and Judgment</i>
Hannah Arendt	1975	<i>Essays in Understanding</i>
Wallace Stegner	1993	<i>Joe Hill</i>
Wallace Stegner	1993	<i>Recapitulation</i>
Wallace Stegner	1993	<i>The Sound of Mountain Water</i>
Wallace Stegner	1993	<i>The Uneasy Chair</i>
Wallace Stegner	1993	<i>Beyond the 100th Meridian</i>
RK Narayan	2001	<i>Swami and Friends</i>
RK Narayan	2001	<i>The Bachelor of Arts</i>
RK Narayan	2001	<i>The Dark Room</i>
RK Narayan	2001	<i>The English Teacher</i>
RK Narayan	2001	<i>The Printer of Malgudi</i>
Arthur Miller	2005	<i>Presence</i>
Arthur Miller	2005	<i>The Crucible</i>
Arthur Miller	2005	<i>All My Sons</i>
Arthur Miller	2005	<i>The Man Who Had All the Luck</i>
Arthur Miller	2005	<i>Creation of the World</i>
Peter Matthiesen	2015	<i>In Paradise</i>
Peter Matthiesen	2015	<i>Shadow Country</i>
Peter Matthiesen	2015	<i>Lost Man's River</i>
Peter Matthiesen	2015	<i>Blue Meridian</i>
Peter Matthiesen	2015	<i>At Play in the Fields of the Lord</i>
Ursula LeGuin	2018	<i>Five Ways to Forgiveness</i>
Ursula LeGuin	2018	<i>Malfrena</i>
Ursula LeGuin	2018	<i>Orsinian Tales</i>
Thomas Ligotti	alive	<i>The Conspiracy Against the Human Race</i>
Thomas Pynchon	alive	<i>Bleeding Edge</i>
Thomas Pynchon	alive	<i>V.</i>
Thomas Pynchon	alive	<i>The Crying of Lot 49</i>
Thomas Pynchon	alive	<i>Slow Learner</i>
Thomas Pynchon	alive	<i>Vinland</i>
Ngugi Thiong'o	alive	<i>In the House of the Interpreter</i>
Ngugi Thiong'o	alive	<i>Dreams in a Time of War</i>
Ngugi Thiong'o	alive	<i>Wizard of the Crow</i>
Leslie Silko	alive	<i>Storyteller</i>
Leslie Silko	alive	<i>The Turquoise Ledge</i>
Paul Auster	alive	<i>4321</i>

Author	Death Date	Title
Paul Auster	alive	<i>Report from the Interior</i>
Paul Auster	alive	<i>Winter Journal</i>
Paul Auster	alive	<i>The Invention of Solitude</i>
Paul Auster	alive	<i>Mr. Vertigo</i>

Appendix D: 82 Public Domain and Copyrighted Titles from Takealot.com

Author	Death Date	Title
Charlotte Bronte	1855	<i>Jane Eyre</i>
Charlotte Bronte	1855	<i>Villette</i>
Charlotte Bronte	1855	<i>Shirley</i>
Charlotte Bronte	1855	<i>The Professor</i>
Emily Bronte	1848	<i>Wuthering Heights</i>
Anne Bronte	1849	<i>Agnes Grey</i>
Anne Bronte	1849	<i>Tenant of Wildfell Hall</i>
Herman Melville	1891	<i>Moby Dick</i>
Herman Melville	1891	<i>Billy Budd</i>
Herman Melville	1891	<i>Omoo</i>
Herman Melville	1891	<i>Piazza Tales</i>
Herman Melville	1891	<i>Typee</i>
Elizabeth Phelps	1911	<i>The Gates Ajar</i>
Henry James	1936	<i>Turn of the Screw</i>
Henry James	1936	<i>Daisy Miller</i>
Henry James	1936	<i>The Ambassadors</i>
Joseph Conrad	1924	<i>Lord Jim</i>
Joseph Conrad	1924	<i>Shadow-Line</i>
Joseph Conrad	1924	<i>Nostramo</i>
Joseph Conrad	1924	<i>Heart of Darkness</i>
HP Lovecraft	1937	<i>Necronomicon</i>
HP Lovecraft	1937	<i>Waking Up Screaming</i>
HP Lovecraft	1937	<i>Complete Fiction</i>
Willa Cather	1947	<i>My Antonia</i>
Willa Cather	1947	<i>Coming Aphrodite</i>
Willa Cather	1947	<i>The Professor's House</i>
Willa Cather	1947	<i>Death Comes for the Archbishop</i>
Willa Cather	1947	<i>O Pioneers!</i>
Shirley Jackson	1965	<i>Haunting of Hill House</i>
Shirley Jackson	1965	<i>We Have Always Lived in a Castle</i>
Shirley Jackson	1965	<i>Hangsaman</i>
Shirley Jackson	1965	<i>The Bird's Nest</i>
Shirley Jackson	1965	<i>The Lottery</i>
Mark Twain	1910	<i>Tom Sawyer & Huck Finn</i>
Mark Twain	1910	<i>Puddin'head Wilson</i>
Mark Twain	1910	<i>Mysterious Stranger & Other Stories</i>
Mark Twain	1910	<i>Life on the Mississippi</i>

Author	Death Date	Title
Mark Twain	1910	<i>Roughing It</i>
William James	1916	<i>The Varieties of Religious Experience</i>
John Steinbeck	1969	<i>East of Eden</i>
John Steinbeck	1969	<i>The Moon is Down</i>
John Steinbeck	1969	<i>Red Pony</i>
John Steinbeck	1969	<i>The Pearl</i>
John Steinbeck	1969	<i>Cannery Row</i>
Hannah Arendt	1975	<i>Eichman in Jerusalem</i>
Hannah Arendt	1975	<i>On Revolution</i>
Hannah Arendt	1975	<i>On Violence</i>
Hannah Arendt	1975	<i>Origins of Totalitarianism</i>
Hannah Arendt	1975	<i>The Human Condition</i>
Wallace Stegner	1993	<i>Joe Hill</i>
Wallace Stegner	1993	<i>Recapitulation</i>
Wallace Stegner	1993	<i>Collected Stories</i>
RK Narayan	2001	<i>A Tiger for Malgudi/Maneater of Malgudi</i>
Arthur Miller	2005	<i>A View from the Bridge</i>
Arthur Miller	2005	<i>Crucible</i>
Arthur Miller	2005	<i>All My Sons</i>
Arthur Miller	2005	<i>Death of a Salesman</i>
Arthur Miller	2005	<i>An Enemy of the People</i>
Peter Matthiesen	2015	<i>Far Tortuga</i>
Peter Matthiesen	2015	<i>In the Spirit of Crazy Horse</i>
Peter Matthiesen	2015	<i>Cloud Forest</i>
Peter Matthiesen	2015	<i>The Snow Leopard</i>
Peter Matthiesen	2015	<i>The Nine-Headed Dragon</i>
Ursula LeGuin	2018	<i>The Left Hand of Darkness</i>
Ursula LeGuin	2018	<i>Lavinia</i>
Ursula LeGuin	2018	<i>Tales from Earthsea</i>
Thomas Ligotti	alive	<i>The Conspiracy Against the Human Race</i>
Thomas Pynchon	alive	<i>Bleeding Edge</i>
Thomas Pynchon	alive	<i>Gravity's Rainbow</i>
Thomas Pynchon	alive	<i>The Crying of Lot 49</i>
Thomas Pynchon	alive	<i>Slow Learner</i>
Thomas Pynchon	alive	<i>Against the Day</i>
Ngugi Thiong'o	alive	<i>Weep not Child</i>
Ngugi Thiong'o	alive	<i>Dreams in a Time of War</i>
Ngugi Thiong'o	alive	<i>Wizard of the Crow</i>
Leslie Silko	alive	<i>Gardens in the Dunes</i>
Leslie Silko	alive	<i>Yellow Woman and a Beauty of the Spirit</i>
Paul Auster	alive	<i>4321</i>
Paul Auster	alive	<i>Report from the Interior</i>
Paul Auster	alive	<i>Winter Journal</i>
Paul Auster	alive	<i>The Invention of Solitude</i>
Paul Auster	alive	<i>Mr. Vertigo</i>