

Copyright Registration Today

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What is Copyright?

- A form of protection provided by Title 17 of the United States code for creative expression.
- Novels, plays, songs and many other types of works are protected by copyright.
- Names, Titles, Ideas, Facts are NOT protected by copyright.



Databases

- “It is possible to make a group registration for the updates/revisions published over a 3-month period.”
- Although copyright does not protect facts, copyright DOES protect compilations of facts.
- However, in the E.U., data within databases has enjoyed protection since 1996.



Business Names/Slogans

- Very often people will try to copyright the name of their business or a short advertising slogan.
- In such cases, the Copyright Office refuses registration and steers the applicant towards acquiring a trademark.



AUTHOR

- WHO IS THE AUTHOR OF A WORK?
- (either the individual creator, or, in the case of a “work made for hire,” the employer.)

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COPYRIGHT OWNER

- Who is the owner of the copyright?
- By law, the author of the work owns the copyright, unless that author has transferred the copyright to someone else in writing, or the copyright becomes someone else’s property via an operation of law, such as inheritance.

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“Bundle” of Rights

- To make copies of the work.
- To prepare derivative works.
- To distribute copies of the work to the public.
- To perform the work publicly.
- To display the work publicly.



Termination of Transfers

- Although an author may transfer his/her copyright to another party, the author may terminate the transfer after 35 years by notifying the transferee in writing.



No Formalities Required

- Copyright protection is automatic upon the completion of a work.
- However, the law provides incentives to encourage copyright registration.



Advantages of Registration

- Required for U.S. works prior to bringing an infringement suit.
- Possibility of receiving statutory damages and attorney's fees.
- Prima facie evidence in court of the validity of the copyright and of the facts stated in the certificate.



Copyright Notice

- Since the U.S. joined the Berne Convention on March 1, 1989, the copyright notice need not appear on copies of works.
- Most publishers use the copyright notice, all the same, but it is no longer a requirement for copyright protection.



Duration of Copyright

- How long does a copyright last?
- For most works, for the life of the author plus 70 years.
- For works made for hire and for anonymous and pseudonymous works, 95 years from publication or 120 years from creation, whichever is shorter.



“Unit of Publication”

- Generally, a registration may cover only one “unit of publication.” That is, for example, a single book or article first published on one calendar day.
- However, a group of unpublished works may be registered on one basic registration, provided the authorship and ownership of the works are the same.



When to Register

- A work may be registered at any time during the life of the copyright.
- Works that are in the public domain may NOT be registered (e.g., works whose copyrights have expired; U.S. Government works)



Basic Procedure

- Full, basic registration
 - Three elements required: application, filing fee and two copies of the work being registered
 - Two ways to complete an application for most works
 - Online through eCO
 - Form CO (replaces Forms TX, PA, SR, VA, SE)



Electronic Registration through eCO

- Access through the Copyright Office's website (www.copyright.gov)
- Least expensive for the applicant and the Copyright Office
- Faster turn-around time
- Earlier Effective Date of Registration (if deposit uploaded)



“Effective Date of Registration”

- The “effective date of registration” is the date that the Copyright Office receives the three required elements (application, fee, and copy of the work).
- The Ninth Circuit has ruled that sending these materials to the Copyright Office is sufficient to bring an infringement suit: not necessary to wait for certificate.



Electronic v. hard copy deposit

- Upload an electronic deposit when permitted – much more efficient for CO to process
- Electronic deposit acceptable for:
 - Unpublished works
 - Works published only electronically
 - Published works for which only ID material is required
 - Examples: computer program source code, websites, many visual arts works



Address: http://www.copyright.gov/

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- Current Fees
- Possible Gap in Termination Provisions
- Section 1201 Anticircumvention Rulemaking
- Facilitating Access to Copyrighted Works for the Blind and Other Persons with Disabilities

About Copyright

- Copyright Basics (en Español)
- Frequently Asked Questions (FAQ)
- Current Fees
- Taking the Mystery Out of Copyright (for students and teachers)

Search Copyright Records

- Registrations and Documents
- Notices of Restored Copyrights
- Online Service Providers
- Vessel Hull Designs

How to Register a Work

 Electronic Copyright Office

How to Record a Document

- Record a Document

Law and Policy

- Copyright Law
- Federal Register Notices

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eCO: Types of Work screen

Electronic Copyright Office (eCO) - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address: https://eco.copyright.gov/eService_enu/start.swe?SWECmd=Login&WEPL=10,SWETS=1234472022027

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Case #: 1-160419071 Type of Case: Date Opened: 2/12/2009

Types of Work

Form Pay Submit Work

Next >> Save For Later

These are the types of work available in claim registration. Click on a Type of Work listed below for more information about each type.

- Literary Work
- Work of the Visual Arts
- Sound Recording
- Work of the Performing Arts (includes music, lyrics, screenplays, etc.)
- Motion Picture / Audio Visual Work
- Mask Work
- Single Serial Issue
- Works that include more than one type of authorship.
- Click here for information on what may be included on a single application.

Select "Type of Work" that you are registering

Type of Work:

- Type of Work
- Titles
- Publication / Completion
- Authors
- Claimants
- Limitation of Claim
- Rights & Permissions
- Correspondent
- Mail Certificate
- Special Handling
- Certification
- Review Submission

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Author Created screen for a Literary Work

The screenshot shows the 'Author Created' screen for a Literary Work. The page header includes the Copyright Office logo and navigation links: Home, My Profile, Contact Us, Help, and Log Out. The main content area displays the case number (1-28015801), the type of case (Literary Work), and the date opened (5/27/2008 02:05:12 PM). Below this, there are buttons for 'Form', 'Pay', and 'Submit Work'. The 'Authors' section contains a 'Help' link, 'Save', and 'Cancel' buttons. A note instructs the user to check the appropriate box(es) to indicate the author's contribution. Under the heading '* Author Created:', there are several checkboxes with links: Text, Editing, Photograph(s), Artwork, Translation, Compilation, and Computer Program. An 'Other:' text input field is also present. On the right side, a vertical menu lists various options: Type of Work, Titles, Publication / Completion, Authors (highlighted in red), Claimants, Limitation of Claim, Rights & Permissions, Correspondent, Mail Certificate, Special Handling, Certification, and Review Submission.

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Electronic Registration with Deposit Upload

- Ensure a digital file is an acceptable deposit for the work being registered. Generally, for books that are available in hard copy format, two copies of the best edition must be sent to the Copyright Office.

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Mandatory Deposit

- Although copyright registration is optional, Section 407 of the copyright law states that the copyright owner must deposit two copies of each work published or distributed in the United States.
- This requirement applies whether or not copyright registration is sought.



Fees

- Fees for basic registrations
 - Online registration through eCO: **\$35**
 - Form CO: **\$50**
 - Form PA, SR, TX, VA: **\$65**



Group Registrations

- Group registrations: Continue to use traditional paper applications for the present

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Group Registrations

- Group registrations include Form GR/CP, Form SE/Group, Form G/DN, and Group registration of automated databases, among others. For all group registrations, the paper forms must be used.
- Eventually, all group registration options should become available online.

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Planned Improvements

- Group Serial claims: this is now in a pilot phase. The plan is to soon expand this option to more publishers.
- The ultimate goal is to make all group registrations available online (Group database, GR/CP, G/DN, Group photographs).



Contacting Us

- IT problems with electronic registration
 - Help Desk: 202-707-3002
- General registration inquiries
 - Public Information Office: 202-707-5959
- If you are not in the local area, use our toll free number for either of the above:
1-877-476-0778
- John Poff: jpof@loc.gov or call 202-707-7173



Copyright Office Website

- www.copyright.gov
- Use for
 - » Registering online
 - » Accessing Form CO
 - » Information (circulars, current issues, etc.)

