

Copyright Registration with the U.S Copyright Office

An artist owns a copyright as soon as she fixes a minimally creative, original work to a tangible medium (17 U.S.C. § 101); however, without copyright registration, an artist is unable to bring a lawsuit in federal court, or be eligible for statutory damages or attorney fees. Copyright registration is relatively inexpensive (as low as \$35), and can now be done online. This guide is designed to walk you through the registration process, and answer some of the common questions asked by artist about the application. Please note: This fact sheet is for educational purposes only, and should not be construed as legal advice. Please seek the counsel of a competent attorney for questions relating to your practice.

Registering a Single Work, Created and Owned by One Author

1. **Create an account at Copyright.Gov by clicking on eCO Login.** Remember to keep your login information in a secure location as it is easy to lose and difficult to change.
2. **Start a New Claim by clicking on Register a New Claim, under Copyright Registration.** Notice that your login page efficiently keeps track of all the copyrights you've registered online.
3. **Page 1 will ask you to state whether the application is 1) covering one work, and whether the work 2) was created by, and 3) owned by the applicant.** This page creates the roadmap for the rest of your application. Registration can cover multiple works with multiple authors that are owned by multiple people.
4. **Page 2 wants to know the type of content you are trying to register (e.g. Literary Work or Motion Picture).** This classification question is important as different types of work are given different forms of legal protections. You can click on the various types of work to see how the Copyright Office defines them.



© Certain types of work cover multiple types of content all in one. For example, a soundtrack is protected by the larger Motion Picture copyright.

5. **Page 3 will ask for the title of the work, and whether the work appears in a larger work.** Larger works include magazines or collections of work, such as a collection of essays. You may not be the author of the entire collection, but you may be the author of one essay. The application will still want the name of the larger collection.
6. **Page 4 wants to know whether the work is published or not.** The Copyright Office defines publication as the "distribution of copies of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. A work is also "published" if there has been an offering to distribute copies to a group of persons for purpose of further distribution, public performance, or public display. A public performance or display does not, by itself, constitute "publication."

© Publication-status affects an author's ability to register works as a collection (and thus saving her filing fees). If a work has been published, it can only be copyrighted as a collection if it was published as a collection.

7. **Page 5 will ask for the personal information about the author, and will want to know the specifics about the author's contribution.** The contribution checklist reflects industry practices. For instance, in operas or musicals, the authors of the libretto and the score are typically different.

© Authors have the option to remain anonymous or to create a pseudonym; however, please note that doing so will limit the term of the copyright to a flat "95 from the year of its publication or a term of 120 years from creation, whichever expires first." (17 U.S.C § 302).

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8. **Page 6 wants to know if your claim is limited in anyway.** *If your work includes the work of another, you will need to disclose it. This includes works in the public domain, under a Creative Commons license, and pieces that you've received permission to use. Without claim limitation, the U.S. Copyright Office cannot distinguish between what is your work, and what is the work of another.*
9. **The final pages want to know who to contact, where to mail the certificate, and whether you have the authority to file the work.** *Be sure to read the certification page as parties found to make false representations anywhere in the copyright application could, under 17 U.S.C. 506(e), be fined upwards of \$2,500.*

Deposit Requirements

Circular 7B

<u>Published Work</u>	<u>Unpublished Work</u>
<ul style="list-style-type: none"> ✓ 2 completed copies of the best edition of the work ✓ May only be submitted electrically if the work was published electronically (PDF, MP3, ASCII, TEXT, HTML only) 	<ul style="list-style-type: none"> ✓ 1 Copy representing the entire work being registered ✓ May be submitted electronically (PDF, MP3, ASCII, TEXT, HTML only)

Supplementary Information:

- ✓ **“Best Edition”:** “the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes”; “if two or more editions available, the highest quality [paper quality or binding quality] one is correct.”
- ✓ **Guide:** Circular 7B provides a detailed list of preferences for what constitutes the “best edition” for various art forms
- ✓ **Special Relief from Best Edition:** Artists can send the Copyright Office a written request for an exception to the Best Edition rule (e.g. microform)

© “Where differences between editions represent variations in copyrightable content, each edition is a separate version.”
(Circular 7b)