

# **Registering Your Copyright**

How to register a copyright with the Library of Congress

Sheri S. Mason, Esq.



### Who We Are

Volunteer Lawyers for the Arts merged with the Arts & Business Council in 2008.

VLA provides legal services, advice, and educational programming to artists and cultural organizations in Massachusetts.

www.artsandbusinesscouncil.org/volunteer-lawyers-for-the-arts/



### A few things before we start

There will be Q&A at the end of the presentation.

There is a question box to your right where you can submit your questions.



# Today's Agenda

- 1. Registration Overview
- 2. Registration Process
- 3. Checking Status
- 4. Now What?
- 5. Searching Registrations



# You do not need to register your copyright to be protected.

So, why register?



### What works are protected?

- Literary works.
- Musical works, including any accompanying words.
- Dramatic works, including any accompanying music.
- Pantomimes and choreographic works.
- Pictorial, graphic and sculptural works.
- Motion pictures and other audiovisual works.
- Sound recordings; which are works that result form the fixation of a series of musical, spoken, or other sounds.
- Architectural works.



### **Registration Overview**

Why Register?

Evidence of ownership of the work

Public Record – Notice to others

### Damages

- Actual Damages
- Attorney's Fees
- Statutory Damages



### Why Register?

### Statutory damages!

\$750 - \$30,000 (at court's discretion)

▶ Willful infringers may pay up to \$150,000 per work infringed

Before an infringement suit may be filed in court, registration is necessary for works of U.S. origin.



### Ways to Register Your ©

Paper:

Fill-In Form CO - 2-D barcode

Separate Paper Forms

Online:

Electronic Copyright Office (eCO)



### eCO Registration overview

- eCO
- Create a Log in Account
- Registering a Claim
- Adding a Title
- Published v. Unpublished
- Author / Claimant
- Disclaiming / Limiting
- Wrapping Up the Application
- Deposit





# Electronic Copyright Office (eCO)

**Online Copyright Application** 



## Components of the online application

- 1. Completed application form.
- 2. Nonrefundable filing fee.
- 3. Nonreturnable deposit (copy or copies of the work being registered and "deposited" with the copyright office).



# eCO

### Electronic Copyright Office (eCO)

Application Fee

- > \$35 for a single author who is also the sole claimant in a single work that is not made for hire
- ▶ \$55 for all other online filings.
- Fastest processing time

Online status tracking

Registrations with ID material / electronic deposits (if deposit acceptable under Best Edition requirement).

Ability to upload certain categories of deposits directly into eCO as electronic files.

http://www.copyright.gov/



### **Additional Tips**

- "Save for Later" button
- Make copies for your records
- Send return receipt or by certified mail
- <u>Circulars & Brochures</u>





# **CREATING AN ACCOUNT**



<b>Copyright</b> .gov	About Us	News	Law and Guidance	Policy Issues	Contact Us	Search	۹	
Home / Registration Portal								

### **Registration Portal**

Log in to the Electronic Copyright Office (eCO) Registration System

Welcome to the Registration Portal. This is your starting point for all things related to the registration of copyrights. Choose a category below to find out more about the different works typically registered with the U.S. Copyright Office.







If you do not have an account click to Register.





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#### Personal Information

	Please enter your information and then click on the "Next" button below.:
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* First Name:	
Middle Name:	
*Last Name:	
*Email:	
*User ID:	User ID Help
*Password:	Password Help
*Verify Password:	
*Challenge Question (To be used when you forget your password):	
*Answer to Challenge Question (To be used when you forget your password):	
	Next Cancel

COPVRIGHT HOME





Contact Information	
	Please provide more information about yourself.
* Address Line 1:	
Address Line 2:	
* City:	
State:	-Select- \$
Zip Code:	
Country (if other than U.S.):	-Select-
*Phone #:	
Alternate Phone #:	
*Preferred Contact Method:	-Select-
	Next Cancel





COPYRIGHT HOME

#### Usage Terms

The Copyright Office does not capture credit card numbers on our servers. Credit card, debit card, and check transactions are processed through to the U.S. Government's **PAY.GOV** system. **PAY.GOV** retains the following information on their server: Customer name, address information, and information needed to process the credit card, debit card, or check transaction.

Next





COPVRIGHT HOME

#### **Profile Confirmation**

Please click Finish to complete your registration. Pressing Cancel will terminate the registration process. Thank you for registering.

Finish Cancel



Copyright					
United States Copyright Office					
Check Registration Case Status	Electronic Copyright Office (eCO)				
Open Cases Working Cases All Cases My Company's Cases	Welcome, Anna!				
Status Definitions Search My Cases	- Please disable your browser's pop-up blocker				
My Applications My Company's Applications	- What's new in eCO?				
Copyright Registration	- For copyright registration information, instructions, helpful tips and FAQs, click here				
Register a Work Standard Application Recommended for Most Works	- If you received a Notice for Mandatory Deposit for an electronic work and need more information or help, <u>click here</u>				
Other Desistration Options	Open Cases				
Other Registration Options Note: Restrictions Apply Register Certain Groups of Published Works Register a Group of Photographs Register One Work by One Author Correct or Amplify an Existing Registration	Query       No Records         Case #        Status        Opened        Title        Vol/ Num/Issue        Month Year        Type of Work        Appl.        Appl.        Fee Paid       Upload Status       Closed				
Other Services Note: Substantial Fees Required Preregistration of Certain Types of Work					
Miscellaneous Use an Existing Template Organization/Deposit Account	*eCO information*				
Additional Copyright Services	The eCO Registration System will be offline every weekend from 10:00 PM Saturday until 6:00 AM Sunday (Eastern Time) for				
Access Copyright Office Information - Ask a Question?	scheduled maintenance.				
- Read Circulars - Search Online Records	For electronic Copyright Office (eCO) system availability and updates, go to www.copyright.gov, click on {Subscribe} at the bottom of the page, create an account , then choose Copyright eService Maintenance and Updates.				

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# **Registering a Claim**



### **Pre-Registration**

### You may benefit IF:

Expecting infringement before release

Unfinished work

You can preregister your work only if:

- unpublished; and
- creation of your work has begun; and
- for commercial distribution; and
- motion picture, musical work, sound recording, computer program, book, or advertising photograph.



Copyright United States Copyright Office	оругцант номе Ноте   🦙   My Profile   Help   Contact Us   Log Ou				
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Search My Cases My Applications	What's new in eCO?				
My Company's Applications	- For copyright registration information, instructions, helpful tips and FAQs, click here				
Register a Work Standard Application Recommended for Most Works	- If you received a Notice for Mandatory Deposit for an electronic work and need more information or help, <u>click here</u>				
Other Registration Options Note: Restrictions Apply Register Certain Groups of Published Works Register a Group of Photographs Register One Work by One Author Correct or Amplify an Existing Registration	Open Cases         Query       Integer to the second s				
Other Services Note: Substantial Fees Required Preregistration of Certain Types of Work					
Miscellaneous Use an Existing Template Organization/Deposit Account	*eCO information* The eCO Registration System will be offline every weekend from 10:00 PM Saturday until 6:00 AM Sunday (Eastern Time) for scheduled maintenance.				
Additional Copyright Services Access Copyright Office Information - Ask a Question?					
- Read Circulars - Search Online Records	For electronic Copyright Office (eCO) system availability and updates, go to www.copyright.gov, click on {Subscribe} at the bottom of the page, create an account , then choose Copyright eService Maintenance and Updates.				

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The Standard Application may be used to register most works, including an original work, a derivative work, a collective work, or a compilation.

If the Copyright Office determines that your work cannot be registered with the Standard Application, your claim may be refused, or there may be delays in the examination of your claim that could require the payment of an additional fee and a later effective date of registration for your claim.

#### Exceptions

This application *may not* be used to register the works listed below. To register these types of works, please return to the "Home" screen and use one of the "Other Registration Options" listed on that screen.

- A group of serials, newspapers, or newsletters
- A group of contributions published in a periodical
- A group of photographs

Likewise, this application may not be used to register the works listed below. To register these types of works, you must complete a paper application.

- A registration for a group of updates to a non-photographic database
- A renewal registration
- Foreign works that have been restored to copyright protection
- Mask works and vessel designs

This application *may not* be used to correct an error in an existing registration, or to amplify the information given in an existing registration. For this type of request, please return to the "Home" screen and select the option for "Correct or Amplify an Existing Registration".

#### To Complete the Application for Registration you must:

- 1) Provide all required information on the application form
- 2) Pay the required fee
- 3) Upload or mail-in a copy of your work



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	Publication/Completion	1	and then click the box below to confirm your selection. Click "Continue" to begin the application.	Click "Continue" to begin the application.		
	Authors					
	Claimants		Type of Work cannot be changed after you click "Continue". Click here for more information			
	Limitation of Claim					
	Rights & Permissions					
	Correspondent					
	Mail Certificate	* Type of Work: -Select- +	Help			
	Special Handling					
Certification			Select a value in Type of Work			
	Review Submission					

\*Click the box to confirm that you have read the description above and selected the entry that best describes the "type of work" you are registering.

Select the type of work you will be registering from the drop down menu.



Work of the Visual Arts Type of Work:

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Help

Visual Arts works include a wide range of pictorial, graphic, and sculptural works of art. This category also includes architectural works.

Examples of pictorial, graphic, and sculptural works include two-dimensional and three-dimensional works of fine, graphic, and applied art; photographs; prints and art reproductions, maps, and technical drawings. Examples of architectural works include buildings and architectural plans.

For more information about registration of pictorial, graphic, or sculptural works, please see Circular 40.

Click the box to confirm that you have read the description above and selected the entry that best describes the "type of work" you are registering.





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After selecting the type of work, the next section is the title of the work. Click "NEW" to add the title of your work.



### The Single Work Rule

# Choose one form per one single work per claimant

Exception: group registrations (must meet requirements)

Select the option that best fits the work as a whole.





### Literary Work



- Works of fiction, nonfiction, and poetry
- Textbooks and reference works
- Directories and catalogs
- Advertising copy
- Compilations of information
- Computer programs and databases

### Work of Visual Art

- Fine, graphic, and applied art
- 2D and 3D works
- Photographs
- Prints and art reproductions
- Maps
- Technical drawings
- Architectural works





# Sound Recording

### Recordings of music, drama, or lectures

Protects the recording, not the underlying music. (Works of Performing Arts)

### Exception: soundtracks to a movie





### Work of the Performing Arts

Works intended to be performed for an audience

### **Musical compositions**

(i.e. sheet music)

# Motion pictures with accompanying sound

### **Dramatic works**

screenplay, play or other script a choreographic work





### Motion Picture/Audiovisual Work

A feature film

Animated film

Television show

Video

Videogame

Anything that uses a machine or device to play a series of images





# Single Serial Issue (Published)

Single serial issue of periodicals, newspapers, magazines, newsletters, etc.

Cannot use eCO to register a published group






### Let's consider the following



#### Interactive read - along book



Text of the book The illustrations in the book The voice of the person a child hears when pushing on the words Video of a child reading the

book.





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### Published v. Unpublished

#### Unpublished

You may register unpublished works as a collection on one application with one title for the entire application if certain conditions are met. It is not necessary to list the individual titles in your collection.

#### Published

Published works may only be registered as a collection if they were actually first published as a collection and if other requirements have been met.





## Published v. Unpublished



### Is the work Published?



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Copyright

#### Publication – what is it?

Public distribution of copies for sale, lease or lending or offering to distribute copies

Public distribution of copies through the Internet

A public performance or display of a work does not of itself constitute publication. However, distribution of copies for the purpose of public display or performance may.



#### **Unpublished Work**

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<sup>2</sup> rivacy nclude	Act Notica: S publication to	ections 408-41	0 of title 17 of the ce of your copyright	Click "Continue" to save the information and United States Code authorize the Copyright Office to collect the p It claim as required by 17 U.S.C. § 705. It will appear in the Office	If you select yes, enter Publication Date Nation of Publication	nformation that



#### Why it is important?

#### Statutory damages and attorney fees are available





If registered within 3 months of publication

OR after publication and anytime before infringement





### Authors / Claimants



#### Add Author

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### Authors/Claimants/Owner

Author	Original creator of the work <u>OR</u> Author under the Work for Hire Doctrine
Claimant	The original author Owner of all transferred (c) rights.
Owner	Someone who owns the copyright in only part of the authorship can't be a "claimant"



#### Is the work a WFH?

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#### Work for Hire

Work created by an employee within the scope of his or her employment.

#### Certain specifically commissioned or ordered works

If both parties sign a contract agreeing that the work is WFH AND it falls into the specifically listed nine categories.





#### Content of your work

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Form	Pay	Submit Work	Case #: 1-6364514951 Application Format: Standard	Type of Case: Work of the Visual Arts	Date Opened: 3/9/2018 11:57:37 AM
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Privacy Act Notice: Se nclude publication to	ections 408-41 give legal noti	0 of title 17 of the L ce of your copyrigh	Inited States Code authorize the Copyright Office to collect the personally ic tolaim as required by 17 U.S.C. § 705. It will appear in the Office's online ca	entifying information requested on this form in order to process the application talog. If you do not provide the information requested, registration may be refu Take Our Survey!	for copyright registration. By providing this information you are agreeing to routine uses of the information that sed or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

Do not check boxes for content of others

Select your contribution to the work



### Remember our interactive book?



#### Interactive read - along book



#### Text of the book

The illustrations in the book

The voice of the person a child hears when pushing on the words

Video of a child reading the book.



#### Claimants

#### Follow similar steps to add a claimant

#### Claimant is the person claiming the copyright ownership

Organization Name

Name

Assignment, will/inheritance

#### May be same or different from author





Vivacy Act Notice: Sections 408-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that could publication to give legal notice of your copyright claim as required by 17 U.S.C. § 705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

Transfer Statement

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# Disclaimers / Limitations on submitted material



### Disclaiming/Limiting

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Type of Work	✓		
Titles	✓	Complete this screen to limit your claim if this work contains or it	s based on previously registered material, previously
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Authors	✓	exclude such material from the claim and identify the new mater	al upon which the present claim is based.
Claimants	✓	If your work does not contain any preexisting material, clic	"Continue" to proceed to the Rights and Permissions
Limitation of Claim			
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	ſ	Created by others	Created by you

VOLUNTEER LAWYERS FOR THE ARTS OF MASS



## Wrapping Up the Application



#### **Rights and Permissions**

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#### Correspondent

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Enter the name of the person who you want the Copyright Office to contact if they have an issue with your registration.



#### Mail Certificate

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Enter the name and address of the person you want the Copyright Office to mail the registration certificate to.



### **Special Handling**

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Claimants	✓	Note: The significant special handling surcharge fee is non-refundable. Please click here to review the current fee.
Limitation of Claim	✓	
<b>Rights &amp; Permissions</b>	✓	
Correspondent		Special Handling (The information requested below is required for Special Handling claims)
Mail Certificate	✓	
Special Handling		Compelling Reason(s) (At least one must be selected)
Certification		
Review Submission		Pending or prospective litigation
		Customs matters Contract or publishing deadlines that necessitate the expedited issuance of a certificate
		I certify that I am the author, copyright claimant of exclusive rights, or the authorized agent of the author, copyright claimant of exclusive rights of this work.
		Explanation for Special Handling:
		This is the place to give any comments/instructions regarding special handling specific to this claim.
ivacy Act Notice: Sections 408-410 at include publication to give legal	0 of title 17 of the notice of your cop	United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information you are agreeing to routine uses of the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright claim as required by 17 U.S.C. § 705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright claim as required by 17 U.S.C.

Take Our Survey!



### **Special Handling**

- Special handling is the expedited processing of an online or paper application for registration of a claim to copyright or for the recordation of a document pertaining to copyright.
- Infringement suit
- Not guarantee registration
- \$760 process fee
- Five working days



#### Certification





#### **Review Submission**

Check over all fields for correct entries.

Use the back button to return to any areas that need correction.

When done, click "Add to Cart."





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# Deposits



### **Best Edition Requirement**

- Deposit must be the "best edition" of the work
- The edition that is the highest quality
- "Special relief" from the deposit requirements

See Circular 7b



### **Alternative Deposit**

For 3D works and works that have been applied to 3D objects

Use ID material

#### Examples:

Sculpture, toys, jewelry, artwork on plates, and fabric or textile attached to or part of a threedimensional object such as furniture.





### "Identifying material" or "ID material"

2D reproductions or renderings of a work in the form of:

- Photographic prints
- Transparencies
- Photocopies, or drawings
- See circular 40A



### Deposit / Best Edition

Either submit an electronic copy OR:

- 2 physical copies if published through Postal Mail
- 1 physical copy if unpublished



### Deposit

Copyri	ght United States Copyr	ight Office		🔐 соружизнт. номе. Home   🟋   My Profile   Contact Us   Help   Log Ou								
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## **Checking Status**



### Home | 🚖 | My Profile | Contact Us | Help

#### Check Case Status

Copyright

States Copyright Office

Open Cases Working Cases All Cases My Company's Cases Status Definitions Search My Cases My Applications My Company's Applications

#### Copyright Services

Register a New Claim Preregister a Claim Use a Template Organization / DA

#### Additional Copyright Services

Access Copyright Office Information

- Ask a Question?

- Read Circulars

- Search Online Records

ectronic Copyright Office (eCO) United States Copyright Office Library of Congress

Welcome, Yuliya!

Before you get started ...

- Disable your browser's pop-up blocker

- View a Tutorial on how to Register a New Claim

- Print a copy of eCO Tips to use as a reference

- Frequently Asked Questions (FAQs)

- What's new in eCO?

Login to your eCO Account

#### Click "Open Cases"

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### Now What?

- 1. Email confirmation
- 2. Office review for completeness
- 3. Date of registration is date CR office receives completed application
- 4. Filed online certification within 4 or 5 months
- 5. The deposit is not returned



## Copyright Office may...

- Call or email for additional information
- Reject application
- Issue Registration certificate



### **Reasons for Rejections**

### Not subject to copyright protection

Ideas, methods, titles, names, or systems

- Improper Deposit
- Contribution claimed but not deposited
- Right to appeal this decision

Right of Reconsideration

See Factsheet <u>SL4a</u>





## Searching Registrations







### **Basic Search**



- Works registered prior to 1978 may be found only in the <u>Copyright Public Records Reading Room</u>.
- · Can't find what you're looking for? Try our "Other Search Options".
- · Search terms are not case sensitive.
- · Search limits can be used with all "Search by:" options.

### **Other resources**

https://www.youtube.com/watch?v=foghfEKXz7o

https://www.teachingcopyright.org/





For information on our upcoming webinars, please visit us online at <a href="http://www.artsandbusinesscouncil.org/">http://www.artsandbusinesscouncil.org/</a>

### **Upcoming Webinars:**

Copyright Registration (Musicians) – February 3rd Working with Third Parties – February 10th





# Questions

