

# Copyright Registration

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# Advantages to Registration

- ✧ Prerequisite to any lawsuit for infringement.
- ✧ Registration within 5 years of publication is *prima facie* proof of the copyright and its validity.
- ✧ Registration before the infringement occurs is a prerequisite to statutory damages and attorneys fees (could recover actual damages and get injunctive relief if not registered at time of infringement).
- ✧ Registration provides tangible evidence of ownership to potential buyers.
- ✧ Registration deters potential infringers.

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# Registration Forms

- ✧ Must choose between electronic or standard form:
  - ✦ Standard: Form VA (visual art) and Form TX (text).
  - ✦ Electronic barcode form: Form CO
  - ✦ May also register online, using Form CO. Must still send in copies for deposit.
- ✧ Works with illustrations may raise an issue here -- choose the form which reflects the predominant content (Form CO covers both).
- ✧ Registering a contribution to a magazine or other collective work should be on Form VA, to reflect the contribution being registered - not the entire publication.

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## Registration Mechanics

- ✧ Must send the following to the copyright office:
  - ✦ Form VA (registration fee \$65)
  - ✦ Form CO (registration fee \$50)
  - ✦ Copies of the work
- ✧ Online registration with Form eCO: fee is \$35; still requires deposit of copies.
- ✧ If make frequent submissions (at least 12 each year), can maintain a deposit account with the copyright office to cover fees.
- ✧ Check U.S. Copyright office web site for complete schedule of fees.

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## Group Registrations

- ✧ Can register published materials in a group (and save filing fees) if copyright claim is in one person for entire collection, or at least one of the claimants has a piece of each of the submissions.
- ✧ No limit to number of works in group registration with Form GR.
  - ✦ But limit of 750 photographs with Form PPH
- ✧ Must use Form VA as base for group registrations.

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## Published Contributions to Periodicals

- ✧ Can register these in a group if published during a 12 month period and have the same copyright claimant for all the contributions.
- ✧ Contributor of illustrations will want to register individual contributions even if the periodical is also copyrighted.

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**Deposit Requirements**

- ✧ Unpublished work: Must send one copy of completed work with application.
- ✧ Published work: two copies.
- ✧ Q: What is a “copy?”

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**Deposit**

- ✧ Group registrations and collections: requires one complete copy of the contribution, with some choices:
  - ✦ Complete copy of periodical or section of newspaper in which published, or
  - ✦ Entire page containing the contribution, or
  - ✦ Photocopy of the contribution.
- ✧ One complete copy sufficient for greeting cards, postcards, labels, catalogs, or sales materials.

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**Deposit for CD Roms and Videos**

- ✧ One complete copy rule applies here, too.
- ✧ Can be in any medium -- videotape, film, CD, or DVD
- ✧ Circular 55 specifies procedures for Multimedia works.
- ✧ Need software that is required to view the material, too (eg. Browser for web site).

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### Alternate Deposit Rules

❖ Some items are complicated in the deposit rules:

- ✦ Jewelry: can submit copies made of inexpensive materials instead of precious metals and gems.
- ✦ Limited edition CDs, Videos: can submit summary, with permission.
- ✦ Motion pictures: alternative deposits allowed, also.

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### Alternate Deposit

- ❖ Unique works of art, 2-D or 3-D, may be registered by alternate deposit, since there is no "copy."
- ❖ Can be photographic prints, transparencies, drawings, all visible without the aid of a machine.
- ❖ For pictorial and graphic work, must reproduce colors exactly.
- ❖ Other types of work: either black and white or color.

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### Library of Congress Deposit

- ❖ May also have to deposit a copy with the Library of Congress when published.
- ❖ Some exceptions for 3-D work, contributions to collective works, greeting cards and postcards, jewelry, and other items.
- ❖ One complete copy of pictorial or graphic works will suffice, if deposit required.

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