

# Copyright Basics

*Brought to you by Givingli*

Copyright is a type of intellectual property protected by US law. It protects original works of authorship (works) in various forms and media, but protection does not extend to the underlying ideas, procedures, or concepts. Copyright owners enjoy certain valuable exclusive rights. However, these rights are limited, and copyright protection exists for only a set amount of time. Although registration with the US Copyright Office is not required for copyright protection, it provides significant benefits.

## Benefits of Registration

Although registration is not required, it is recommended and provides substantial benefits. With limited exceptions, a copyright owner must register its copyright in a US work, with the Copyright Office granting registration of the copyright, before suing for infringement.

Registration also provides other benefits, including that:

- Registration establishes a claim to copyright with the Copyright Office and creates a public record of key facts related to the claimed work's authorship and ownership that can be accessed through the Copyright Office's [website](#), the Copyright Card Catalog, the *Catalog of Copyright Entries*, or the Records Research and Certification Section.
- A copyright owner may only recover actual damages and the infringer's profits and is not eligible to recover statutory damages or attorneys' fees in federal court unless the work was registered before infringement began or within three months after the work's first publication.
- Registration of the copyright in a work is *prima facie* evidence of the copyright's validity and facts stated in the certificate if made within five years of the work's first publication.
- Registration may eliminate an innocent infringement defense and the mitigation of actual or statutory damages
- A copyright holder can record a registration with the US Customs and Border Protection Service to stop the importation of infringing copies and seize foreign pirated copies of a work, which may avoid the expense of litigation
- Registration may facilitate opportunities to exploit the work by providing information to prospective licensees, such as the copyright owner's name and address for obtaining permission to use the work.

## When to Register

Because registration is generally not required for copyright protection, a copyright owner may file an application for registration at any time during the copyright term.

Valid registration of a copyright is a prerequisite to asserting a civil copyright infringement claim for a US work of authorship.

## Types of Registrations

The main types of registrations are:

- Basic registration
- Group registration

### 1. Basic Registration

Basic registrations cover works created or first published on or after January 1, 1978. An applicant may apply for basic registration either through:

- A standard application
- A single application

## Standard Application

A standard application may be used to register:

- One work, including a work by one author, a joint work, a work made for hire, a derivative work, or a compilation.
- A collective work in which many contributions, each of which is a separate and independent work, are assembled into a collective whole, for example, a periodical issue, anthology, or encyclopedia.
- A collection of multiple published works in which:
  - all copyrightable elements that are otherwise recognizable as self-contained works are first published as a single unit on the same date; and
  - the copyright claimant for all works in the collection is the same.

Standard applications are available through the [Electronic Copyright Office \(eCO\) Registration System](#).

## Single Application

A single application may be used to register an individual work created by one person (one image, for example) in which both:

- The author solely owns the copyright in the work.
- The work is not a work made for hire.

Single applications are generally easier to complete than the standard application and must be filed online.

## 2. Group Registration

A group registration application is used to register a group of related works under Section 408(c) of the Copyright Act with one application and one filing fee. The Copyright Office currently offers group registration for:

- Unpublished works (replacing the previous unpublished collection registration option).
- Serials, for example, periodicals (including weekly, biweekly, or monthly newspapers), annuals, and the journals, proceedings, and transactions of societies.
- Newspapers.
- Newsletters.
- Contributions to periodicals.
- Unpublished photographs.
- Published photographs.
- Short online literary works.
- Secure test items.
- Automated databases and updates or other derivative versions.

If eligible, this may be the most convenient and cost-effective way to register multiple works of authorship.

If the Copyright Office accepts a group registration application, it issues a single certificate of registration and registration number for the entire group. Each work, photograph, or contribution is registered as separate work.

[Here is a video](#) explaining how to file an application for a group registration.

## Submitting Application for Registration

An applicant can submit an application form online by [eCO](#).

## Application Requirements

An application for copyright registration consists of three parts, which are:

- A completed application form
- A non-refundable filing fee
- A non-returnable deposit

## Application Form

The main elements of an application form for copyright registration include:

- The copyright claimant's name and address
- For works that are not anonymous or pseudonymous, each author's name and nationality or domicile and, for any deceased author, the date of death
- For anonymous or pseudonymous works, each author's nationality or domicile.
- A statement of whether the work is a work made for hire.
- A statement of how the claimant obtained copyright ownership if the claimant is not the author
- The work's title, together with any previous or alternative titles
- The year in which the work's creation was completed
- The date and nation of first publication, if any
- For a compilation or derivative work, identification of any preexisting works or works that it is based on or incorporates, including a statement describing the additional material covered by the copyright claim being registered
- A certification

The Register of Copyrights may also request additional information regarding the work's preparation or identification or the copyright's existence, ownership, or duration.

## Filing Fee

The application's filing fee depends on the type of work and how the application is filed. The applicable filing fees are described on the Copyright Office's [website](#).

An applicant may pay the filing fee for an online application by credit card, debit card, or electronic check.

If the applicant fails to submit the proper filing fee, the Copyright Office provides written notice to the applicant with a deadline for responding. If the applicant submits the correct filing fee by the deadline, the Copyright Office updates the effective date of registration to the date that it received the fee.

## Deposit (copy of the work for registration)

The applicant generally must submit a complete copy of the work with its registration application. The Copyright Office provides helpful information describing the deposit requirements for various works at its [website](#).

In some cases, the applicant may submit the required deposit copies in an electronic format. In all other cases, the applicant must submit the required copies in a physical format.

## Registration

A member of the Copyright Office's Registration Program is responsible for the initial examination of the application, deposit copies, filing fee, and other materials the applicant submits relating to the claim. The Copyright Office may refuse registration for an invalid application. If the Copyright Office finds the application acceptable, then it issues a certificate of registration.

The Copyright Office's processing time varies, but can take anywhere from six to ten months. If there is a compelling need related to litigation, customs matters, or contract or publishing deadlines, registration may be requested on an expedited basis for an additional fee.