

Copyright Basics

Copyright is a form of protection provided by U.S. law to authors of “original works of authorship” from the time the works are created in a fixed form. This circular provides an overview of basic facts about copyright and copyright registration with the U.S. Copyright Office. It covers

- Works eligible for protection
- Rights of copyright owners
- Who can claim copyright
- Duration of copyright

Copyright is a form of protection provided by the laws of the United States to the authors of “original works of authorship” that are fixed in a tangible form of expression. An original work of authorship is a work that is independently created by a human author and possesses at least some minimal degree of creativity. A work is “fixed” when it is captured (either by or under the authority of an author) in a sufficiently permanent medium such that the work can be perceived, reproduced, or communicated for more than a short time. Copyright protection in the United States exists automatically from the moment the original work of authorship is fixed.¹

What Works Are Protected?

Examples of copyrightable works include

- 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 from the fixation of a series of musical, spoken, or other sounds
- Architectural works

These categories should be viewed broadly for the purpose of registering your work. For example, computer programs and certain “compilations” can be registered as “literary works”; maps and technical drawings can be registered as “pictorial, graphic, and sculptural works.”

NOTE: Before 1978, federal copyright was generally secured by publishing a work with an appropriate copyright notice. U.S. works² that were in the public domain on January 1, 1978, when the 1976 Copyright Act took effect, remain in the public domain under the 1976 Act.

What Are the Rights of a Copyright Owner?

Copyright provides the owner of copyright with the exclusive right to

- Reproduce the work in copies or phonorecords³
- Prepare derivative works based upon the work
- Distribute copies or phonorecords of the work to the public by sale or other transfer of ownership or by rental, lease, or lending
- Perform the work publicly if it is a literary, musical, dramatic, or choreographic work; a pantomime; or a motion picture or other audiovisual work
- Display the work publicly if it is a literary, musical, dramatic, or choreographic work; a pantomime; or a pictorial, graphic, or sculptural work. This right also applies to the individual images of a motion picture or other audiovisual work.
- Perform the work publicly by means of a digital audio transmission if the work is a sound recording

Copyright also provides the owner of copyright the right to authorize others to exercise these exclusive rights, subject to certain statutory limitations.

What Is Not Protected by Copyright?

Copyright does not protect

- Ideas, procedures, methods, systems, processes, concepts, principles, or discoveries
- Works that are not fixed in a tangible form (such as a choreographic work that has not been notated or recorded or an improvisational speech that has not been written down)
- Titles, names, short phrases, and slogans
- Familiar symbols or designs
- Mere variations of typographic ornamentation, lettering, or coloring
- Mere listings of ingredients or contents

For more information, see *Works Not Protected by Copyright (Circular 33)*.

Who Can Claim Copyright?

The copyright in a work initially belongs to the author(s) who created that work. When two or more authors create a single work with the intent of merging their contributions into inseparable or interdependent parts of a unitary whole, the authors are considered joint authors and have an indivisible interest in the work as a whole. By contrast, if multiple authors contribute to a collective work, each

author's individual contribution is separate and distinct from the copyright ownership in the collective work as a whole.

“Works made for hire” are an important exception to the general rule for claiming copyright. When a work is made for hire, the author is not the individual who actually created the work. Instead, the party that hired the individual is considered the author and the copyright owner of the work. Whether a work is made for hire is determined by the facts that exist at the time the work is created. There are two situations in which a work may be made for hire:

1. When the work is created by an employee as part of the employee's regular duties, or
2. When an individual and the hiring party enter into an express written agreement that the work is to be considered a “work made for hire” and the work is specially ordered or commissioned for use as:
 - A compilation
 - A contribution to a collective work
 - A part of a motion picture or other audiovisual work
 - A translation
 - A supplementary work
 - An instructional text
 - A test
 - Answer material for a test
 - An atlas

The concept of work made for hire can be complicated and has serious consequences for both the individual who creates the work and the hiring party who is considered to be the author and copyright owner of the work. For more information, see *Works Made for Hire* (**Circular 30**).

NOTE: Mere ownership of a copy or phonorecord that embodies a work does not give the owner of that copy or phonorecord the ownership of the copyright in the work.

Transfer of Copyright Ownership

Any or all of the copyright owner's exclusive rights, or parts of those rights, can be transferred. The transfer, however, generally must be made in writing and signed by the owner of the rights conveyed or the owner's authorized agent. Transferring a right on a nonexclusive basis does not require a written agreement.

You can bequeath a copyright by will or pass it along as personal property under applicable state laws of intestate succession. It can also be conveyed by operation of law.

You can “record” a transfer of copyright ownership with the Copyright Office through its Office of Public Records and Repositories. Although recordation is not required to make a valid transfer between parties, it does provide certain legal advantages. For more information, see *Recordation of Transfers and Other Documents* (**Circular 12**).

Termination of a Copyright Transfer

Under certain circumstances, the Copyright Act allows authors or their heirs to terminate an agreement that transferred or licensed the author's copyright to a third party after thirty-five years. To terminate a grant, the author or the author's heirs must serve an advance written "notice of termination" on the grantee or the grantee's successor-in-interest and must record a copy of that notice with the Copyright Office and pay the required **filing fee**.

A notice of termination must be recorded before the effective date of termination specified in the notice. If a notice of termination is not recorded in a timely manner, the notice will be invalid, and the author or the author's heirs will not be able to terminate the agreement. For more information, see **chapter 2300**, section 2310 of the *Compendium of U.S. Copyright Office Practices*.

How Long Does Copyright Last?

In general, for works created on or after January 1, 1978, the term of copyright is the life of the author plus seventy years after the author's death. If the work is a joint work with multiple authors, the term lasts for seventy years after the last surviving author's death. For works made for hire and anonymous or pseudonymous works, the duration of copyright is 95 years from publication or 120 years from creation, whichever is shorter.

For works created before January 1, 1978, that were *not* published or registered as of that date, the term of copyright is generally the same as for works created on or after January 1, 1978. The law, however, provides that in no case would the term have expired before December 31, 2002, and if the work was published on or before that date, the term will not expire before December 31, 2047.

For works created before January 1, 1978, that were published or registered before that date, the initial term of copyright was twenty-eight years from the date of publication with notice or from the date of registration. At the end of the initial term, the copyright could be renewed for another sixty-seven years for a total term of protection of up to ninety-five years. To extend copyright into the renewal term, two registrations had to be made before the original term expired: one for the original term and the other for the renewal term. This requirement was eliminated on June 26, 1992, and renewal term registration is now optional.

For more information on the term of copyright protection, see *Duration of Copyright* (**Circular 15A**) and *Renewal of Copyright* (**Circular 6A**).

How Can I Protect My Work?

Copyright exists automatically in an original work of authorship once it is fixed in a tangible medium, but a copyright owner can take steps to enhance the protections of copyright, the most important of which is registering the work. Although registering a work is not mandatory, for U.S. works, registration (or refusal) is necessary to enforce the exclusive rights of copyright through litigation.

Applying a copyright notice to a work has not been required since March 1, 1989, but may still provide practical and legal benefits. Notice typically consists of the copyright symbol or the word "Copyright," the name of the copyright owner, and the year of first publication. Placing a copyright notice on a work is not a substitute for registration.

Benefits of Registration

Registration establishes a claim to copyright with the Copyright Office. An application for copyright registration can be filed by the author or owner of an exclusive right in a work, the owner of all exclusive rights, or an agent on behalf of an author or owner. An application contains three essential elements: a completed application form, a nonrefundable filing fee, and a nonreturnable deposit—that is, a copy or copies of the work being registered and “deposited” with the Copyright Office. A certificate of registration creates a public record of key facts relating to the authorship and ownership of the claimed work, including the title of the work, the author of the work, the name and address of the claimant or copyright owner, the year of creation, and information about whether the work is published, has been previously registered, or includes preexisting material.

You can submit an application online through www.copyright.gov or on a paper application. For more information on registering a work with the Copyright Office, see *Copyright Registration (Circular 2)*.

In addition to establishing a public record of a copyright claim, registration offers several other statutory advantages:

- Before an infringement suit may be filed in court, registration (or refusal) is necessary for U.S. works.²
- Registration establishes prima facie evidence of the validity of the copyright and facts stated in the certificate when registration is made before or within five years of publication.
- When registration is made prior to infringement or within three months after publication of a work, a copyright owner is eligible for statutory damages, attorneys’ fees, and costs.
- Registration permits a copyright owner to establish a record with the U.S. Customs and Border Protection (CBP)⁴ for protection against the importation of infringing copies.

Registration can be made at any time within the life of the copyright. If you register before publication, you do not have to re-register when the work is published, although you can register the published edition, if desired.

Effective Date of Registration

When the Copyright Office registers a work it assigns an effective date of registration to the certificate of registration. The effective date of registration is the day that the Office receives in proper form all required elements—an acceptable application, an acceptable deposit, and a nonrefundable filing fee. The date is not set until all the required elements are in the Office’s possession. If the Office receives incomplete materials, an unacceptable deposit, or an insufficient fee, the effective date of registration will be set on the date that the Office receives all the required materials in acceptable form. The date is not based on how long it takes the Office to examine the materials or mail the certificate of registration.

You do not have to receive your certificate of registration before you publish or produce your work. Nor do you need permission from the Copyright Office to place a copyright notice on your work. But the Copyright Office must approve or refuse your application before you can file a lawsuit for copyright infringement, except in cases involving a non-U.S. work.⁵ You may seek statutory damages and attorneys’ fees in an infringement action provided that the infringement began *after* the effective date of registration. The law, however, provides a grace period of three months after publication during which full remedies can be recovered for any infringement begun during the three months after publication if registration is made before this period ends.

Copyright Notice

A copyright notice is a statement placed on copies or phonorecords of a work to inform the public that a copyright owner is claiming ownership of the work. A copyright notice consists of three elements:

- The copyright symbol © or (p) for phonorecords, the word “Copyright,” or the abbreviation “Copr.”;
- The year of first publication of the work (or of creation if the work is unpublished); and
- The name of the copyright owner, an abbreviation by which the name can be recognized, or a generally known alternative designation.

A notice should be affixed to copies or phonorecords of a work in a way that gives reasonable notice of the claim of copyright.

Using a copyright notice is optional for unpublished works, non-U.S. works, and works published on or after March 1, 1989. However, notice conveys the following benefits:

- It puts potential users on notice that copyright is claimed in the work.
- For published works, notice may prevent a defendant from attempting to limit liability for damages or injunctive relief based on an “innocent infringement” defense.
- It identifies the copyright owner at the time of first publication for parties seeking permission to use the work.
- It identifies the year of first publication, which can be used to determine the term of copyright for anonymous or pseudonymous works or works made for hire.
- It may prevent the work from becoming an “orphan” by identifying the copyright owner or specifying the term of copyright. Orphan works are original works of authorship for which prospective users cannot identify or locate copyright owners to request permission.

Notice was required for works published in the United States before March 1, 1989. Works published without notice before that date may have entered the public domain in this country.

For more information, see *Copyright Notice* ([Circular 3](#)).

How Can I Use a Copyrighted Work?

When deciding to use a work protected by copyright, the general rule is to seek permission from the copyright owner. Under the copyright law, a copyright owner may authorize activities that fall under the exclusive rights of copyright. For more information on seeking permission to use a copyrighted work, see *How to Obtain Permission* ([Circular 16A](#)).

Sections 107 to 122 of the copyright law contain provisions that establish limitations on the exclusive rights of the copyright owner. The provisions make certain uses of copyrighted works permissible without first obtaining permission of the copyright owner. One of the most discussed of these statutory provisions is known as fair use, a legal doctrine that promotes freedom of expression by permitting the unlicensed use of copyright-protected works in certain circumstances. For more information on fair use, see the Office’s [Fair Use Index](#) on its website.

What Is Publication and Why Is It Important?

Under copyright law, publication is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership or by rental, lease, or lending. Offering to distribute copies or phonorecords to a group of people for purposes of further distribution, public performance, or public display also constitutes publication.

Whether a work is published has important implications, including:

- The year of publication may determine the length of the copyright term for a work made for hire or an anonymous or pseudonymous work.
- The year of publication may determine the length of the copyright term if the work was created before January 1, 1978, and was published or registered before that date.
- The year of publication may determine the length of the copyright term if the work was created before January 1, 1978, and was first published between January 1, 1978, and December 31, 2002.
- The date and nation of first publication may determine if a non-U.S. work is eligible for copyright protection in the United States.
- A certificate of registration creates certain legal presumptions if the work is registered before or within five years after the work was first published.
- A copyright owner may be entitled to claim statutory damages and attorneys' fees in an infringement lawsuit if the work was registered before the infringement began or within three months after the first publication of that work.
- Many of the exceptions and limitations on the copyright owner's exclusive rights vary depending on whether the work is published or unpublished.
- As a general rule, works published before March 1, 1989, must be published with a valid copyright notice.
- The deposit requirements for registering a published work differ from the requirements for registering an unpublished work.
- Works published in the United States may be subject to mandatory deposit with the Library of Congress. For more information, see "What Is Mandatory Deposit?" below.

When you register your work with the Office, you must determine whether the work is published or unpublished. For further information regarding publication, see [chapter 1900](#) of *Compendium of U.S. Copyright Office Practices*.

How Do I Protect My Work in Other Countries?

There is no such thing as an "international copyright" that automatically protects an author's works throughout the entire world. Protection against unauthorized use in a particular country depends on the national laws of that country. Most countries offer protection to non-U.S. works under certain conditions, and these conditions have been greatly simplified by international copyright treaties and conventions. Generally, a U.S. work may be protected in another country if that country has entered into an international agreement with the United States. For more information and a list of countries that maintain copyright relations with the United States, see *International Copyright Relations of the United States* ([Circular 38A](#)).

What Is Mandatory Deposit?

All copyrighted works that are published in the United States are subject to the “mandatory deposit” provision of the copyright law. As a general rule, this provision requires that two complete copies of the “best edition” of a copyrightable work published in the United States be sent to the Copyright Office for the collections of the Library of Congress within three months of publication. The “best edition” of a work is “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.” The owner of copyright or of the exclusive right of publication may comply with this requirement either by submitting the best edition of the work when registering the work with the Office or by submitting the work without seeking a registration and solely for the purpose of fulfilling the mandatory deposit requirement. The mandatory deposit provision helps ensure that the Library of Congress obtains copies of every copyrightable work published in the United States for its collections or for exchange with or transfer to any other library.

For more information, see *Mandatory Deposit of Copies or Phonorecords for the Library of Congress* (**Circular 7D**) and *Best Edition of Published Copyrighted Works for the Collections of the Library of Congress* (**Circular 7B**).

NOTES

1. This circular is intended as an overview of the basic concepts of copyright. The authoritative source for U.S. copyright law is the Copyright Act, codified in Title 17 of the *United States Code*. Copyright Office regulations are codified in Title 37 of the *Code of Federal Regulations*. Copyright Office practices and procedures are summarized in the third edition of the *Compendium of U.S. Copyright Office Practices*, cited as the *Compendium*. The copyright law, regulations, and the *Compendium* are available on the Copyright Office website at www.copyright.gov.
2. The Copyright Act defines a “United States work” for the purposes of registration and civil infringement actions as (a) a published work that is first published in the United States; first published simultaneously in the United States and another treaty party or parties, whose law grants a term of copyright protection that is the same as or longer than the term provided in the United States; first published simultaneously in the United States and a foreign nation that is not a treaty party; or first published in a foreign nation that is not a treaty party, and all of the authors of the work are nationals, domiciliaries, or habitual residents of, or in the case of an audiovisual work legal entities with headquarters in, the United States; (b) an unpublished work where all the authors of the work are nationals, domiciliaries, or habitual residents of the United States, or in the case of an unpublished audiovisual work, all the authors are legal entities with headquarters in the United States; or (c) a pictorial, graphic, or sculptural work incorporated in a building or structure that is located in the United States.
3. A phonorecord is a material object in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed and from which the sounds can be perceived, reproduced, or otherwise communicated either directly or with a machine. The technology for creating and using a phonorecord includes those now known or later developed.
4. CBP began accepting online applications for recordation of unregistered copyrights through the Intellectual Property Rights Electronic Recordation System (IPRR). Each unregistered copyright recordation will be valid for a period of nine months, with a potential one-time ninety-day extension of time, while an application to register that copyright is pending with the Copyright Office. Upon registration, the copyright recordation will continue to receive the benefits of border enforcement from CBP.
5. A “non-U.S. work” is any work that is not a United States work, as defined above.

For Further Information

By Internet

The copyright law, the *Compendium*, electronic registration, application forms, regulations, and related materials are available on the Copyright Office website at www.copyright.gov.

By Email

To send an email inquiry, click the *Contact Us* link on the Copyright Office website.

By Telephone

For general information, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 am to 5:00 pm, eastern time, Monday through Friday, except federal holidays. To request application forms or circulars by postal mail, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

By Regular Mail

Write to

Library of Congress
U.S. Copyright Office
Outreach and Education Section
101 Independence Avenue, SE #6304
Washington, DC 20559-6304



Copyright Registration

This circular provides guidelines for submitting a complete, accurate copyright claim. It covers

- Completing online and paper applications
- Submitting a filing fee
- Preparing a deposit copy
- Communicating with the Office
- Determining when your registration takes effect

An application for copyright registration contains three essential elements: a completed application form, a nonrefundable filing fee, and a nonreturnable deposit—that is, a copy or copies of the work being registered and “deposited” with the Copyright Office. The Office will not review your claim until it has received these three elements in compliance with its regulations and policies.

This circular provides guidelines to help you make sure you submit a complete, accurate copyright claim.¹ Detailed registration requirements can be found in the *Compendium of U.S. Copyright Office Practices*.

Copyright Application

A copyright application establishes the basic facts of a claim: the title of the work, the author of the work, the name and address of the claimant or owner of the copyright, the year of creation, whether the work is published, whether the work has been previously registered, and whether the work includes preexisting material. Once submitted to the Office, the application becomes part of the public record and can be viewed by the public upon request.

In completing an application, it is important to give clear and accurate information. Establishing a full, accurate record serves the public interest, provides potential licensees with accurate information, and decreases the cost of copyright litigation.

Online Application

The Copyright Office strongly encourages you to apply online to register an individual literary work, visual arts work, motion picture, musical work, sound recording, other performing arts work, or single serial issue. In certain situations, you can also use the online system to register multiple works with one application. For more information, see *Multiple Works* ([Circular 34](#)).

The online system offers many benefits, including lower filing fees; faster examination; status tracking; payment by credit card, debit card, or electronic check; and optional deposit upload.

To apply online, you must (1) complete the online application; (2) submit a filing fee by credit card, debit card, bank account, or deposit account; and (3) upload an electronic deposit copy of your work or send a physical deposit copy. You must finish each step before you can move to the next.

To access the online system, you will need to establish a user ID and password and provide contact information. With your user ID and password, you can complete multiple applications, save draft applications, and review submitted applications.

When you begin an application, choose the type of work that best corresponds to the work you seek to register. The questions you encounter when filling out the application are based on the choice you make at the beginning of the application. You must complete each required section of the application before you can submit a filing fee or a deposit copy of your work. See the details below about the filing fee.

After you submit the filing fee, you can either upload a digital copy of your work or send a physical copy or copies of your work by mail. However, if your work is published in a physical edition or format, you should submit it in the physical format even if a corresponding digital version exists. To submit a physical copy of your work after completing an online application, print a shipping slip from the “Submit Your Work” screen and send the shipping slip and deposit copy in the same package to the address on the shipping slip.

To make sure you submit the appropriate deposit copy, see the additional information about deposit copies below.

Paper Application

Although the Copyright Office strongly encourages you to apply online whenever possible, you can also register your work using one of the fillable PDF forms available on the Office’s website: Form TX (literary works); Form VA (visual arts works); Form PA (performing arts works, including motion pictures); Form SR (sound recordings); or Form SE (single serial issues). After entering the required information, print your form out and sign it in blue or black ink.

Alternatively, you can print out and complete a blank version of one of the forms or request a blank form by postal mail. Use blue or black ink to complete your form; do not use a pencil or colored pens.

To access forms on the Copyright Office’s website, click on Law and Guidance, then Forms. To request blank forms by postal mail, call (202) 707-3000 or 1-877-476-0778 (toll free).

Once you complete your paper application, mail it with your filing fee and deposit, all in the same package, to the address on the final page of the application. Boxes sent to the Copyright Office should weigh no more than twenty pounds.

NOTE: Applications for certain types of claims *must* be submitted on a paper form: registration of mask works (Form MW); registration of vessel designs (Form D-VH); registration of works in which the U.S. copyright was restored under the 1994 Uruguay Round Agreements Act (Form GATT); renewal of copyright claims (Form RE); and some types of group submissions, including group registration of databases predominantly containing content other than photographs (Form TX).

Filing Fee

The Copyright Office charges a nonrefundable filing fee for each application. Fees are subject to change. For current registration fees, see *Copyright Office Fees* (**Circular 4**). Payment of the fee is an essential part of the application. If your payment is cancelled or your check is returned as uncollectible, the Copyright Office will cancel your registration and notify you.

If you submit your application online, you can pay by credit or debit card, electronic check, or Copyright Office deposit account. If you use a paper form, you can pay by deposit account or check or money order made payable to “Register of Copyrights.” Currency is accepted only for paper applications submitted in person at the Copyright Office. For more information about deposit accounts, see *How to Open and Maintain a Copyright Office Deposit Account* (**Circular 5**).

Deposit Copy

Every application must be accompanied by one or more deposit copies. The term “deposit” is frequently misunderstood. It refers to the complete copy or copies of a work that must be submitted to register the work with the Office, not to the filing fee that must be paid. Once you submit a deposit copy to the Office, it becomes part of the public record and can be viewed by members of the public upon request.

The Office uses the deposit to examine your claim and maintain a public record. The deposit requirement varies depending on the nature of the work you will submit, including:

- Whether the work is published or unpublished;
- Whether the work is in a physical or digital format; and
- Whether the work was published in the United States or a foreign country.

Below are factors to consider when you select and submit your deposit copy or copies. For complete information about the Office’s deposit requirements, see **chapter 1500** of the *Compendium*.

NOTE: When completing an online application to register a work published solely in physical form or in both physical and electronic form, you generally must forego the online upload option and instead send in the required number of physical copies of the work.

Unpublished and Online-Only Works

If you are registering an unpublished work, you must submit one complete copy of it; if the work was published electronically and is available only online, you must submit one complete copy of the published work. The Office recommends that you upload digital files through the electronic registration system rather than submit them on a flash drive, disc, or other physical storage device. The Office’s website has a **list** of acceptable file types. The maximum size for each uploaded file is 500 MB.

NOTE: When registering an unpublished work, the Office strongly encourages you to submit the deposit in a digital form, not as a physical copy or a phonorecord.

Visual Arts Works and Computer Programs

If you are registering a pictorial, graphic, or sculptural work or a computer program, you generally should submit “identifying material” instead of the work itself. Identifying material is material that adequately represents the authorship claimed in the application, such as photographs and drawings (for pictorial, graphic, or sculptural works) or source code (for computer programs). For more information about deposits for computer programs, see *Copyright Registration of Computer Programs* ([Circular 61](#)).

Foreign Published Works

If you are registering a work published solely in a foreign country, you must submit one complete copy of the published work. If the work was first published simultaneously in the United States and a foreign country, it is considered published in the United States and is subject to the requirements described below under “Published Works in the United States after January 1, 1978.”

Works Published in the United States before January 1, 1978

If you are registering a work published in the United States before January 1, 1978, see *Renewal of Copyright* ([Circular 6A](#)).

Works Published in the United States after January 1, 1978

If you are registering a work first published in the United States, you may be subject to the “best edition” and “mandatory deposit” requirements of the copyright law. If these requirements apply, you need to submit two complete copies of the best existing edition of your work.

Best Edition

The Copyright Act states that the material deposited for registration of a published work shall include two complete copies or phonorecords of the *best edition* of the work. The best edition is 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. The criteria used to identify the best edition for a particular work are listed in the Best Edition Statement, set forth in *Best Edition of Published Copyrighted Works for the Collections of the Library of Congress* ([Circular 7B](#)). You must submit the best edition that exists at the time you submit your claim.

The best edition requirement does not apply to all published works. If your work was first published outside the United States, you may submit the work either as first published or the best edition. If the work was not published in any of the formats listed in the Best Edition Statement, you may submit any published edition of the work. You do not need to create a new edition for your work to meet the best edition requirement.

NOTE: If a work was published in two or more editions, and if there are copyrightable differences between each edition, each edition is considered a separate work. In such cases, you should submit a separate application, filing fee, and deposit for each edition.

Mandatory Deposit

The Copyright Act gives the Library of Congress the authority to demand any work published in the United States for its collections or use. This authority is known as “mandatory deposit.” When you register a work that is subject to mandatory deposit, you generally must submit two complete copies of your work. However, certain categories of works have special rules, considerations, or exemptions you should know about. If your work falls in one of the following categories, consult *Mandatory Deposit of Copies or Phonorecords for the Library of Congress* (**Circular 7D**).

- Works that are distributed only online;
- Advertising material and catalogs;
- Architectural works;
- Electronic works, including computer programs and computerized information works;
- Floor coverings, wallpaper and similar commercial wall coverings, textiles and other fabrics;
- Greeting cards, postcards, and stationery;
- Individually published lectures, sermons, speeches, and addresses;
- Jewelry;
- Limited edition visual arts works;
- Literary, dramatic, and musical works published only in phonorecords;
- Models, plans, or designs;
- Motion pictures and motion picture soundtracks;
- Musical compositions published by rental, lease, or lending;
- Multimedia kits;
- Packaging materials;
- Plaques;
- Scientific or technical diagrams;
- Serials;
- Sound recordings;
- Three-dimensional sculptural and cartographic works;
- Tests;
- Toys, dolls, and games;
- Useful articles; and
- Works originally published as part of a collective work.

Special Relief

The Copyright Office is authorized to grant special relief from deposit requirements in appropriate circumstances. All requests for special relief must be made in writing. You must state the specific reason(s) why you cannot submit the deposit required and what you will submit instead of the required deposit. The Office will evaluate your request upon receipt.

Request for special relief may be made either in the “Note to the Copyright Office” field of the online application or by mail to the following address:

Associate Register of Copyrights and
Director of Registration Policy and Practice
U.S. Copyright Office
P.O. Box 70400
Washington, DC 20024-0400

For more information about special relief, see [chapter 1500](#), section 1508.8, of the *Compendium*.

Response to Applications

If you submit an online application, you will receive an automated email indicating that your application and filing fee have been received. You will receive a similar automated message if you upload your deposit through the electronic registration system. If the Copyright Office does not receive your deposit, you will receive an automated message notifying you that the deposit has not been received.

If the Office needs more information, a staff member will contact you by email or by telephone. Be sure to provide your correct email address and current telephone number in your application. The Office sends most of its correspondence by email from the address cop-ad@loc.gov. Check all your folders, including any spam or junk folders, for messages from this address.

If the Office registers your work, you will receive a certificate of registration in the mail. If the Office determines that the work cannot be registered, you will receive a letter explaining why your claim has been refused. The Office cannot honor requests to deliver certificates by email or through private delivery services.

Effective Date of Registration

When the Copyright Office registers a work it assigns an effective date of registration to the certificate of registration. The effective date of registration is the day that the Office receives in proper form all required elements—an acceptable application, an acceptable deposit, and a nonrefundable filing fee. The effective date of registration is not set until all the required elements are in the Office’s possession. If the Office receives incomplete materials, an unacceptable deposit, or an insufficient fee, the effective date of registration will be set on the date that the Office receives all the required materials in acceptable form. The effective date of registration is not based on how long it takes the Office to examine the materials or mail the certificate.

You do not have to receive your certificate before you publish or produce your work. Nor do you need permission from the Copyright Office to place a copyright notice on your work. For U.S. works, the Copyright Office, however, must approve or refuse your application before an infringement suit before you can file a lawsuit for copyright infringement. You may seek statutory damages and attorneys’ fees in an infringement action provided that the infringement began after the effective date of registration. The law, however, provides a grace period of three months after publication during which full remedies can be recovered for any infringement begun during the three months after publication if registration is made before this period ends.

NOTE

1. This circular is intended as an overview of the basic concepts of registering a work with the Copyright Office. The authoritative source for U.S. copyright law is the Copyright Act, codified in Title 17 of the *United States Code*. Copyright Office regulations are codified in Title 37 of the *Code of Federal Regulations*. Copyright Office practices and procedures are summarized in the third edition of the *Compendium of U.S. Copyright Office Practices*, cited as the *Compendium*. The copyright law, regulations, and the *Compendium* are available on the Copyright Office website at www.copyright.gov.

For Further Information

By Internet

The copyright law, the *Compendium*, electronic registration, application forms, regulations, and related materials are available on the Copyright Office website at www.copyright.gov.

By Email

To send an email inquiry, click the *Contact Us* link on the Copyright Office website.

By Telephone

For general information, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 am to 5:00 pm, eastern time, Monday through Friday, except federal holidays. To request application forms or circulars by postal mail, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

By Regular Mail

Write to

Library of Congress
U.S. Copyright Office
Outreach and Education Section
101 Independence Avenue, SE #6304
Washington, DC 20559-6304



Copyright Notice

Copyright notice provides information to the public regarding copyright ownership. Notice is optional for works created after March 1, 1989, but is generally required for works created before that date. This circular introduces the concept of notice.¹

It covers

- The elements of notice
- Where notice is required and where it is optional
- The legal formalities of notice when it is required
- The advantages of including notice on a work

Copyright notice is a statement placed on copies or phonorecords of a work to inform the public that a copyright owner is claiming ownership of it.² A notice consists of three elements that generally appear as a single continuous statement:

- The copyright symbol © (or for phonorecords, the symbol Ⓒ); the word “copyright”; or the abbreviation “copr.”;
- The year of first publication of the work; and
- The name of the copyright owner.

Example: © 2017 John Doe

The use of a copyright notice is the responsibility of the copyright owner and does not require permission from, or registration with, the Copyright Office.

Copyright notice was required for all works first published before March 1, 1989, subject to some exceptions discussed below. If the notice was omitted or a mistake was made in using copyright notice, the work generally lost copyright protection in the United States. Copyright notice is optional for works published on or after March 1, 1989, unpublished works, and foreign works; however, there are legal benefits for including notice on your work.

Works Requiring Notice

Different laws govern works first published before January 1, 1978, and works first published between January 1, 1978, and February 28, 1989. The discussion in this circular applies to works first published between January 1, 1978, and February 28, 1989. For information about notice for works first published before January 1, 1978, see [chapter 2100](#) of the *Compendium of U.S. Copyright Office Practices*.

Copies That Must Display Notice

In general, for works first published before March 1, 1989, the copyright owner was required to place an effective notice on all publicly distributed “visually perceptible” copies. A visually perceptible copy is one that can be seen or read, either directly or with the aid of a machine. Examples of visually perceptible copies include a book, sheet music, a photograph, or film. A visually perceptible copy does not include a CD, a vinyl record, or an .MP3 recording of a literary, dramatic, or musical work.

When a copyright owner published a phonorecord that embodied a sound recording, an effective notice had to appear on all publicly distributed phonorecords. The phonorecord symbol— © — was needed only for publicly distributed copies of a sound recording embodied in a phonorecord.

Form of Notice

An effective notice includes three general elements, as described above, as a single continuous statement. It was permissible to omit the year of publication for works reproduced on greeting cards, postcards, stationary, jewelry, dolls, toys, or any useful article. See the following sections of **chapter 2200** of the *Compendium* for specific issues regarding the elements of notice:

- Section 2204.4 for variations on the © or ® symbol, or the word “copyright”
- Section 2205.1 for variations on the year of publication
- Section 2205.2 for variations on the name of the copyright owner

Placement of Notice

The copyright notice had to be placed on copies or phonorecords in a way that was permanently legible to an ordinary user of the work and could not be concealed from view upon reasonable examination. The Office adopted specific regulations for the placement of notice on the following types of works:

- Literary works
- Contributions to collective works
- Musical works
- Sound recordings
- Dramatic works
- Motion pictures and other audiovisual works
- Pictorial, graphic, and sculptural works
- Multipart works
- Works published in machine-readable copies

For more information, see **chapter 2200**, section 2207, of the *Compendium*.

Omission of Notice and Errors of Notice

An omission or mistake in using a copyright notice may not have invalidated the copyright to works published between January 1, 1978 and March 1, 1989, if

- The notice was omitted from no more than a relatively small number of copies or phonorecords distributed to the public;

- The work was registered before or within five years after the publication without notice and a reasonable effort was made to add notice to all copies or phonorecords distributed in the United States after the omission was discovered;
- The omission violated an express written agreement to include proper notice as a condition of public distribution of copies or phonorecords; or,
- The notice was removed from the copies or phonorecords without the authorization of the copyright owner.

When Notice Is Optional

Copyright notice is optional for unpublished works, foreign works, or works published on or after March 1, 1989. When notice is optional, copyright owners can use any form of notice they wish. However, works first published after March 1, 1989, may need to comply with statutory formalities to prevent a defendant from invoking an innocent infringement defense in a copyright infringement action.

Unpublished Works

A copyright notice has never been required for unpublished works. The Copyright Office will register an unpublished work that does not bear a notice, regardless of whether the work was created before or after March 1, 1989. Nonetheless, because the dividing line between a preliminary distribution and actual publication is sometimes difficult to determine, copyright owners may want to place copyright notices on copies or phonorecords that leave their control to indicate that rights are claimed in a work. For example, an appropriate notice for an unpublished work is “Unpublished Letters of John Doe © 2017 John Doe,” where 2017 refers to the year the work was created.

Foreign Works and the Uruguay Round Agreements Act

For certain foreign works, the Uruguay Round Agreements Act (URAA) of 1994 modifies the effect of publication without notice. The URAA restored copyrights for foreign works that lost copyright protection in the United States for failure to comply with notice requirements prior to March 1, 1989. They include (a) works created by an author who, at the time of the work’s creation, was a citizen of, or domiciled in, a country that had entered into a copyright treaty with the United States, and (b) works first published, or sound recordings first fixed, in a country that had entered into a copyright treaty with the United States. Although restoration is automatic in eligible works, the URAA directs the owner of a restored work to notify reliance parties if the owner plans to enforce his or her rights in the work.³ For more information, see *Copyright Restoration Under the URAA* ([Circular 38B](#)).

Advantages to Using a Copyright Notice

Although notice is optional for unpublished works, foreign works, or works published on or after March 1, 1989, using a copyright notice carries the following benefits:

- Notice makes potential users aware that copyright is claimed in the work.
- In the case of a published work, a notice may prevent a defendant in a copyright infringement action from attempting to limit his or her liability for damages or injunctive relief based on an innocent infringement defense.

- Notice identifies the copyright owner at the time the work was first published for parties seeking permission to use the work.
- Notice identifies the year of first publication, which may be used to determine the term of copyright protection in the case of an anonymous work, a pseudonymous work, or a work made for hire.
- Notice may prevent the work from becoming an orphan work by identifying the copyright owner and specifying the term of the copyright.

NOTES

1. This circular is intended as an overview of the basic concepts of copyright notice. The authoritative source for U.S. copyright law is the Copyright Act, codified in Title 17 of the *United States Code*. Copyright Office regulations are codified in Title 37 of the *Code of Federal Regulations*. Copyright Office practices and procedures are summarized in the third edition of the *Compendium of U.S. Copyright Office Practices*, cited as the *Compendium*. The copyright law, regulations, and the *Compendium* are available on the Copyright Office website at www.copyright.gov.
2. A “phonorecord” is a material object in which sounds are fixed and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Examples include a cassette tape, a vinyl disc, or a compact disc. A phonorecord does not include sounds accompanying a motion picture or other audiovisual work.
3. A reliance party is typically a business or individual who, relying on the public domain status of a work, was using it before the enactment of the URAA on December 8, 1994. For works from any country that was not eligible under the URAA as of December 8, 1994, reliance parties are those using the work before the date on which the country becomes eligible by joining the World Trade Agreement or the Berne Convention for the Protection of Literary and Artistic Works or as a result of a presidential proclamation.

For Further Information

By Internet

The copyright law, the *Compendium*, electronic registration, application forms, regulations, and related materials are available on the Copyright Office website at www.copyright.gov.

By Email

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By Regular Mail

Write to

Library of Congress
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Outreach and Education Section
101 Independence Avenue, SE #6304
Washington, DC 20559-6304



Works Not Protected by Copyright

To be copyrightable, a work must qualify as an original work of authorship under the copyright law. This circular highlights different types of works and subject matter that do not qualify for copyright protection.

It covers

- Ideas, methods, and systems
- Names, titles, and short phrases
- Typeface, fonts, and lettering
- Blank forms
- Familiar symbols and designs

To register a work with the U.S. Copyright Office, you must identify the copyrightable subject matter forming the basis of your claim. To be copyrightable, a work must qualify as an original work of authorship, meaning that it must have been created independently and contain a sufficient amount of creativity. Most works meet these conditions. Some works, however, contain elements that either lack the required creativity or are placed outside the bounds of copyright by the law. This circular highlights different types of noncopyrightable subject matter. For more information, see [chapter 300](#), section 313.3, of the *Compendium of U.S. Copyright Office Practices*.¹

Ideas, Methods, and Systems

Copyright law expressly excludes copyright protection for “any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied.” The Office may, however, register a literary, graphic, or artistic description, explanation, or illustration of an idea, procedure, process, system, or method of operation, provided that the work contains a sufficient amount of original authorship. However, copyright protection will extend only to the original expression in that work and not to the underlying idea, methods, or systems described or explained.

Inventions

You can register a technical drawing or a written description of an invention when the drawing or description contains a sufficient amount of authorship. However, the registration extends only to the original expression contained in the drawing or description and does not apply to the underlying invention. Inventions meeting certain requirements may be patentable. For information about patent laws, visit the U.S. Patent and Trademark Office [website](#) or call 1-800-786-9199.

Example:

An author writes a book explaining a new system for food processing. The copyright in the book prevents others from copying or distributing the text and illustrations describing the author's system as expressed in the book, but it does not give the author the right to prevent others from employing the system or from using any procedures, processes, or methods described in the book.

Recipes

A recipe is a statement of the ingredients and procedure required for making a dish of food. A mere listing of ingredients or contents, or a simple set of directions, is uncopyrightable. As a result, the Office cannot register recipes consisting of a set of ingredients and a process for preparing a dish. In contrast, a recipe that creatively explains or depicts how or why to perform a particular activity may be copyrightable. A registration for a recipe may cover the written description or explanation of a process that appears in the work, as well as any photographs or illustrations that are owned by the applicant. However, the registration will not cover the list of ingredients that appear in each recipe, the underlying process for making the dish, or the resulting dish itself. The registration will also not cover the activities described in the work that are procedures, processes, or methods of operation, which are not subject to copyright protection.

Examples:

Jules Kinder submits an application to register a cookbook, *Pie in the Sky*. In the "Author Created" field of the application, Kinder asserts a claim in "text, photographs, and compilation of ingredients." Each recipe contains a list of ingredients, instructions for making a pie, and a photograph of the finished product. The claim in a "compilation of ingredients" will not be accepted because there is no copyrightable authorship in a mere listing of ingredients. Since this claim is not acceptable, the Office may communicate with Jules Kinder to limit the extent of the registration to the text and photographs only.

Paulina Neumann submits an application to register a recipe for caesar salad dressing. In the "Author Created" field, Neumann asserts a claim in "text." The work consists of a list of eleven ingredients with the following instructions: "(1) puree anchovies, garlic, Dijon, egg yolks; (2) drizzle oil in gradually to emulsify; (3) add lemon, parmesan cheese, salt, pepper, Worcestershire and tabasco sauce." The Office will refuse registration for this work, because the list of ingredients is uncopyrightable, and the instructional text contains an insufficient amount of creative authorship.

Names, Titles, Short Phrases

Words and short phrases, such as names, titles, and slogans, are uncopyrightable because they contain an insufficient amount of authorship. The Office will not register individual words or brief combinations of words, even if the word or short phrase is novel, distinctive, or lends itself to a play on words.

Examples of names, titles, or short phrases that do not contain a sufficient amount of creativity to support a claim in copyright include

- The name of an individual (including pseudonyms, pen names, or stage names)
- The title or subtitle of a work, such as a book, a song, or a pictorial, graphic, or sculptural work
- The name of a business or organization
- The name of a band or performing group
- The name of a product or service
- A domain name or URL
- The name of a character
- Catchwords or catchphrases
- Mottos, slogans, or other short expressions

Under certain circumstances, names, titles, or short phrases may be protectable under federal or state trademark laws. For information about trademark laws, visit the U.S. Patent and Trademark Office [website](#) or call 1-800-786-9199.

Typeface, Fonts, and Lettering

Copyright law does not protect typeface or mere variations of typographical ornamentation or lettering. A typeface is a set of letters, numbers, or other characters with repeating design elements that is intended to be used in composing text or other combinations of characters, including calligraphy. Generally, typeface, fonts, and lettering are building blocks of expression that are used to create works of authorship. The Office cannot register a claim to copyright in typeface or mere variations of typographic ornamentation or lettering, regardless of whether the typeface is commonly used or unique. There are some very limited cases where the Office may register some types of typeface, typefont, lettering, or calligraphy. For more information, see [chapter 900](#), section 906.4 of the *Compendium*. To register copyrightable content, you should describe the surface decoration or other ornamentation and should explain how it is separable from the typeface characters.

Layout and Design

As a general rule, the Office will not accept a claim to copyright in “format” or “layout.” The general layout or format of a book, page, book cover, slide presentation, web page, poster, or form is uncopyrightable because it is a template for expression. Copyright protection may be available for the selection, coordination, or arrangement of the specific content that is selected and arranged in a sufficiently creative manner. The claim, however, would be limited to the selection and arrangement of that specific content, not to the selection and arrangement of *any* content in that particular manner.

Blank Forms

Blank forms typically contain empty fields or lined spaces as well as words or short phrases that identify the content that should be recorded in each field or space. Blank forms that are designed for recording information and do not themselves convey information are uncopyrightable.

Similarly, the ideas or principles behind a blank form, the systems or methods implemented by a form, or the form’s functional layout are not protected by copyright. A blank form may incorporate

images or text that is sufficiently creative to be protected by copyright. For example, bank checks may be registered if they contain pictorial decoration that is sufficiently creative. Contracts, insurance policies, and other documents with “fill-in” spaces may also be registered if there is sufficient literary authorship that is not standard or functional. In all cases, the registration covers only the original textual or pictorial expression that the author contributed to the work, but does not cover the blank form or other uncopyrightable elements that the form may contain.

Examples of blank forms include

- Time cards
- Graph paper
- Account books
- Diaries
- Bank checks
- Scorecards
- Address books
- Report forms
- Order forms
- Date books and schedulers

Familiar Symbols and Designs

Familiar symbols and designs, or a simple combination of a few familiar symbols or designs, are uncopyrightable and cannot be registered with the Office. However, a work of authorship that incorporates one or more familiar symbols or designs into a larger design may be registered if the work as a whole contains a sufficient amount of creative expression.

Examples of familiar symbols and designs include but are not limited to

- Letters, punctuation, or symbols on a keyboard
- Abbreviations
- Musical notation
- Numbers and mathematical and currency symbols
- Arrows and other directional or navigational symbols
- Common symbols and shapes, such as a spade, club, heart, diamond, star, yin yang, or fleur de lys
- Common patterns, such as standard chevron, polka dot, checkerboard, or houndstooth
- Well-known and commonly used symbols that contain a minimal amount of expression or are in the public domain, such as the peace symbol, gender symbols, or simple emoticons
- Industry designs, such as the caduceus, barber pole, food labeling symbols, or hazard warning symbols
- Familiar religious symbols
- Common architecture moldings

Registration of Works with Copyrightable and Uncopyrightable Subject Matter

When completing an application for a work with a significant amount of uncopyrightable subject matter, you should focus your claim specifically on the copyrightable subject matter. When completing the “Author Created” field in the online application, use words identifying copyrightable subject matter such as “text,” “photograph,” or “drawing.” Avoid words referring to material that is not subject to copyright protection, such as “idea,” “device,” “process,” “format,” or “layout.” Also, avoid using vague language, such as “design” or “entire work.”

For more information on general registration procedures, see *Copyright Registration* (**Circular 2**).

NOTE

1. This circular is intended as an overview of works not protected by copyright. The authoritative source for U.S. copyright law is the Copyright Act, codified in Title 17 of the *United States Code*. Copyright Office regulations are codified in Title 37 of the *Code of Federal Regulations*. Copyright Office practices and procedures are summarized in the third edition of the *Compendium of U.S. Copyright Office Practices*, cited as the *Compendium*. The copyright law, regulations, and the *Compendium* are available on the Copyright Office website at www.copyright.gov.

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