

Copyright Registration for Online Works

General Information

This circular gives information about copyright registration of online works made available over a communications network such as the Internet. This information applies also to works accessed via network (websites, homepages, and FTP sites) and files and documents transmitted and/or downloaded via network.

Copyright protects original authorship fixed in tangible form (17 *USC* sec. 102(a)). For works transmitted online, the copyrightable authorship may consist of text, artwork, music, audiovisual material (including any sounds), sound recordings, etc. Copyright does *not* protect ideas, procedures, systems, or methods of operation (17 *USC* sec. 102(b)).

Under U.S. law, copyright protection subsists from the time the work is fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Copyright registration is not mandatory, but it has important benefits. For general information about copyright, see Circular 1, *Copyright Basics*. See “For Further Information” on page 4 on how to obtain circulars and other information.

What the Registration of an Online Work Covers

For all online works other than computer programs and databases, the registration will extend only to the copyrightable content of the work *as received in the Copyright Office and identified as the subject of the claim*. The application for registration should exclude any material that has been previously registered or published or that is in the public domain. For published works, the registration should be limited to *the content of the work asserted to be published on the date given on the application*.

NOTE: For a claim in a computer program that establishes the format of text and graphics on the computer screen when a website is viewed (such as a program written in html), registration will extend to the entire copyrightable content of the computer program code. It will not, however, extend to any *website* content generated by the program that is not present in the identifying material received and that is not described on the application. On the other hand, for all other computer programs that are transmitted or accessed online, as well as for online automated databases, the registration extends to the entire copyrightable content of the work owned by the claimant, even though the entire content is not required in the identifying material deposited. For more information about deposit requirements, see page 3.

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Revisions and Updates

Many works transmitted online, such as websites, are revised or updated frequently. Generally, copyrightable revisions to online works that are published on separate days *must each be registered individually*, with a separate application and filing fee (*unless it meets the requirements* in the following two sections). Registration of a revised version covers only the new or revised material added. The version of the work that is deposited should be the same version described on the application; thus, the title and dates on the application should correspond with those on the deposit copy. See Circular 14, *Copyright Registration for Derivative Works*, for important additional information on registering revised works.

Databases

In some cases, a frequently updated online work may constitute an automated database. A group of updates, published or unpublished, to a database, covering up to a three-month period within the same calendar year, may be combined in a single registration. For more information about registering databases, request Circular 65, *Copyright Registration for Automated Databases*. All updates from a three-month period may be registered with a single application and filing fee.

Serials and Newsletters

Group registration (a single registration covering multiple issues published on different dates) is available for serials (published *weekly or less often*) and daily newsletters (published *more often than weekly*), including those published online. The requirements vary, depending on the type of work. For more information about registering serials, see Circular 62, *Copyright Registration for Serials*; for daily newsletters, see Circular 62A, *Group Registration of Daily Newspapers and Newsletters*; for serials published weekly or less often, see Circular 62B, *Group Registration of Serials on Form SE/Group*.

NOTE: Group registration for serials is available only if the claim is in a “collective work.” Thus, group registration is *not* available for electronic journals published one article at a time because such works are not collective works.

Registering a Copyright with the U.S. Copyright Office

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.

A copyright registration is effective on the date the Copyright Office receives all required elements in acceptable form. The time needed to process applications varies depending on the amount of material the Office is receiving and the method of application (see below).

Here are the options for registering your copyright, beginning with the fastest and most cost-effective method.

Option 1: Online Registration

Online registration through the electronic Copyright Office (eCO) is the preferred way to register basic claims for literary works; visual arts works; performing arts works, including motion pictures; sound recordings; and single serials. Advantages of online filing include

- a lower filing fee
- fastest processing time
- online status tracking
- secure payment by credit or debit card, electronic check, or Copyright Office deposit account
- the ability to upload certain categories of deposits directly into eCO as electronic files

NOTE: You can still register using eCO and save money even if you will submit a hard-copy deposit, which is required under the mandatory deposit requirements for published works. The system will prompt you to specify whether you intend to submit an electronic or a hard-copy deposit, and it will provide instructions accordingly.

Basic claims include (1) a single work; (2) multiple unpublished works if the elements are assembled in an orderly form; the combined elements bear a single title identifying the collection as a whole; the copyright claimant in all the elements and in the collection as a whole is the same; and all the elements are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each element; and (3) multiple published works if they are all first published together in the same publication on the same date and owned by the same claimant.

To access eCO, go to the Copyright Office website at www.copyright.gov and click on *electronic Copyright Office*.

NOTE: Copyright Office fees are subject to change. For current fees, please check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000 or 1-877-476-0778.

Option 2: Registration with Paper Forms

Paper versions of forms are available on the Copyright Office website, or staff will send them to you by postal mail upon request. Remember that online registration through eCO (see above) can be used for the types of applications identified in “Option 1” above..

Mailing Addresses for Applications Filed on Paper and for Hard-copy Deposits

Library of Congress
U.S. Copyright Office
101 Independence Avenue SE
Washington, DC 20559

How to Complete the Application

In general, complete the form as explained in the instructions and in applicable Copyright Office circulars. *Information specific to online works is given in more detail below.*

Author Created · Describe the original authorship being registered. Use terms that clearly refer to copyrightable authorship. Examples are “text,” “compilation,” “music,” “artwork,” “photography,” “motion picture/audiovisual” (including sounds), or “sound recording” (when the sounds do not accompany a series of images).

Do not use terms that refer to elements that are not protected by copyright or may be ambiguous, for example, “website,” “interface,” “format,” “layout,” “design,” “look of website,” “lettering,” “game,” or “concept.”

Determining if Your Work Is Published or Unpublished

The definition of “publication” in the U.S. copyright law does not specifically address online transmission. As has been the long-standing practice, the Copyright Office asks the applicant, who knows the facts surrounding distribution of copies of a work, to determine whether the work is published or not.

In the current copyright law, “publication” is defined as “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. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication” (17 USC sec. 101).

Published works: If you determine that your work is published, give the complete date and nation of first publication on the application. For a revised version, the publication date should be the date the revised version was first published, not the date the original version first appeared online. For registration purposes, give a single nation of first

publication, which may be the nation from which the work is uploaded.

NOTE: If the same work is published both online and by the distribution of physical copies and these events occur on different dates, the publication date should refer to whichever occurred first. For what to deposit in this case, see the “Exception” section below.

Unpublished works: If you determine that your work is unpublished, leave the “date of publication” and “nation of publication” spaces on the application blank. Do *not* write “Internet,” “homepage,” or any other term in this space.

The Deposit

All works transmitted online *excluding* computer programs, databases, and works fixed in CD-ROM format:

The deposit regulations of the Copyright Office do not specifically address works transmitted online. Until the regulations are amended, and under the authority granted the Copyright Office by 37 CFR 202.20(c)(2)(viii), the Office will require the deposit of one of the following:

Option 1: *For online registration only.* Upload a copy of the entire work. If the work is too large for a single upload, you may do multiple uploads. This option is not recommended for extremely large works.

Option 2: A computer disc or CD-ROM containing the entire work *and* representative portions of the original authorship being registered in hard copy (printout, audio-cassette, or videotape, as appropriate). If the work is short (five pages or less of text/artwork, or three minutes or less of music, sounds, or audiovisual material), deposit the entire work and confirm that *it contains the entire copyrightable content*. If the work is longer, deposit five representative pages or three representative minutes, including the title, author, and copyright notice, if any. The hard copy should include the title, author, and copyright notice, if any. *A label with the information should be placed on the disc or CD-ROM case.* Do not label the CD-ROM itself.

or

Option 3: A nondigital copy of the entire work, regardless of length, in the appropriate format for the work being registered, for example, a printout, audiocassette or videotape. No computer disc or CD-ROM is required with option 3.

Exception: If a work is published *both* online and by the distribution of physical copies in any format, the requirement of the deposit regulations *for the copies* applies, *not* the options for online works given above. For example, if a work is published in the form of hardbound books and is also transmitted online, the deposit requirement is two copies of the hardbound book.

Computer Programs, Databases, and Works Fixed in CD-ROM Format Transmitted Online

For computer programs, databases, and works fixed in CD-ROM format, the specific provisions of Copyright Office deposit regulations apply to works transmitted online. 37 *CFR* 202.20(c)(vii) and 202.20(c)(xix). For further information, see Circular 61, *Copyright Registration for Computer Programs*, or Circular 65, *Copyright Registration for Automated Databases*. For works fixed in CD-ROM format, a complete copy of the CD-ROM package, including any operating software or instruction manual, is required.

The Fee

Copyright Office fees are not refundable, and they are subject to change. For current fees, check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000 or 1-877-475-0778 (toll free).

Effective Date of Registration

When the Copyright Office issues a registration certificate, it assigns as the effective date of registration the date it received all required elements — an application, a nonrefundable filing fee, and a nonreturnable deposit — in acceptable form, regardless of how long it took to process the application and 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. However, the Copyright Office must have acted on your application before you can file a suit for copyright infringement, and certain remedies, such as statutory damages and attorney's fees, are available only for acts of infringement that occurred after the effective date of registration. If a published work was infringed before the effective date of registration, those remedies may also be available if the effective date of registration is no later than three months after the first publication of the work.

For Further Information

By Internet

Circulars, announcements, regulations, applications forms, and other materials are available from the Copyright Office website at www.copyright.gov. To send an email communication, click on *Contact Us* at the bottom of the homepage.

By Telephone

For general information about copyright, call the Copyright Public Information Office at (202) 707-3000 or 1-877-487-0778 (toll free). Staff members are on duty from 8:30 AM to 5:00 PM, eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day. If you want to request paper application forms or circulars, call the Forms and Publications Hotline at (202) 707-9100 and leave a recorded message.

By Regular Mail

Write to:

*Library of Congress
Copyright Office-COPUBS
101 Independence Avenue SE
Washington, DC 20559*