

Supplementary Copyright Registration

Supplementary registration is a special type of copyright registration provided for in section 408(d) of the copyright law (17 *U.S. Code*). If information in the basic registration is incorrect or incomplete, the law provides for “filing of an application for supplementary registration, to correct an error in a copyright registration or to amplify the information given in a registration.” The information in the basic registration record remains unchanged. The supplementary registration augments and, in most cases, is cross-referenced to this record.

Earlier Registration Necessary

Supplementary registration can be made *only* if a basic copyright registration for the same work *has already been completed*. The statute requires that the application for supplementary registration “shall clearly identify the registration to be corrected or amplified.” Please note that a single Form CA can be used to correct *only one* basic registration, *not* multiple registrations. Form CA *cannot* be used to correct an earlier supplementary registration.

What Basic Registration Can Be Corrected or Amplified?

As a general rule, any completed basic registration in the records of the Copyright Office can be the subject of a supplementary registration. This is true regardless of when the basic registration was made and regardless of the form on which the basic registration was made.

Correction and Amplification

A supplementary registration can be made either to “correct” or to “amplify” information in a basic registration.

Correction

A “correction” is appropriate if information in a basic registration was incorrect at the time that basic registration was made. *Examples:* the basic registration identified an incorrect author of the work, or the work was registered as published when publication had not actually taken place. **NOTE:** A supplementary registration is not appropriate if the work was registered as unpublished when it was actually published at the time of registration. *See* “Published Work Previously Registered as Unpublished” on page 3. A supplementary registration is not necessary for minor errors, such as typographical errors, omission of address when it appears elsewhere on the application, or addition of the articles “a,” “an,” or “the.”

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Amplification

“Amplification” falls into three general categories:

- 1 Additional information that could have been given but was omitted at the time of basic registration (*Example*: a coauthor was omitted.)
- 2 Changes in certain facts that have occurred *since* the basic registration (*Example*: change of title)
- 3 Explanations that clarify information given in the basic registration (*Example*: statement of authorship in the version being registered was not sufficiently explicit on the original application)

Who May Apply for Supplementary Registration?

Once a basic registration has been made for a work, any author or other copyright claimant or any owner of an exclusive right in the work who wants to correct or amplify the information given in the basic registration may apply for supplementary registration. A duly authorized agent of any such author, claimant, or owner of exclusive rights may also submit an application for supplementary registration.

How to Apply for Supplementary Registration

The application for supplementary registration must be submitted on Form CA. To apply for supplementary registration, an applicant should submit the following:

- 1 A completed Form CA
- 2 A *photocopy* of the front and back of the certificate of the registration being amended
- 3 The nonrefundable filing fee* in the form of a check or money order payable to *Register of Copyrights*. Do not send cash. Mail to:

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

The filing fee for processing a claim to supplementary copyright registration is nonrefundable, whether or not copyright registration is ultimately made.

*Copyright Office fees 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 1-877-476-0778 (toll free).

NOTE: Copies or phonorecords of the work or supporting documents cannot be made part of the record of a supplementary registration and should not be sent to the Copyright Office with a Form CA.

Form CA and all Copyright Office forms and publications are available from the Copyright Office website at www.copyright.gov. For best results, fill in the form on-screen, print it, and mail it to the Copyright Office. For additional information on obtaining Copyright Office publications, see “For Further Information” on page 4.

Blank application forms may be photocopied; however, photocopied forms submitted to the Copyright Office must be clear and legible on a good grade of 8½" × 11" white paper. *Forms not meeting these requirements may be returned, resulting in delayed registration.*

What Happens When a Supplementary Registration Is Made?

When a supplementary registration is completed, the Copyright Office will assign it a new registration number, usually in the same class and series as the basic registration, and issue a certificate of supplementary registration under that number. The basic registration will not be expunged or cancelled, and the two registrations will both stand in the Copyright Office records. The supplementary registration will direct the public’s attention to an error or omission in the basic registration, and it will place the correct facts or the additional information on official record.

When Supplementary Registration Is Not Appropriate

In General

As explained below, supplementary registration is not appropriate in the following cases:

- 1 Where the work has been revised or where corrections have been made to statements appearing on the copies or phonorecords
- 2 As a substitute for renewal registration
- 3 As a substitute for recording a transfer or other document pertaining to copyright ownership
- 4 Where a work was registered as unpublished but was actually published at the time of the basic registration

When the Work Has Been Revised or Statements on the Copies or Phonorecords Have Been Corrected

Supplementary registration can be used only to correct errors or amplify facts stated in an earlier application for a completed registration. Form CA is *not appropriate* to correct errors on the copies or phonorecords of the work in question or to reflect changes in the content of the work. If the work has been changed since registration was made and if the changes are sufficient for the work to be considered a “derivative work,” the proper procedure is to make a new basic registration for the revised version to cover the additions or revisions.

Supplementary Registration Different from Renewal Registration

A supplementary registration is entirely different from a renewal registration. Renewal registration cannot be made by filing Form CA. A completed Form RE and a registration filing fee are required. (See *note on fees on page 2.*) For further information about copyright renewal, read Circular 15, *Renewal of Copyright*.

Changes in Ownership of Rights

If ownership of the copyright has changed since the basic registration was made (whether it changed from one owner to another or was divided among several owners of exclusive rights), Form CA is not appropriate. Section 205 of the statute provides that “any transfer of copyright ownership or other document pertaining to a copyright may be recorded in the Copyright Office.” Recording a document pertaining to copyright ownership under section 205 not only “gives all persons constructive notice of the facts stated in the recorded document,” but it may also have other important consequences in cases of infringement or conflicting transfers. Supplementary registration does not accord “constructive notice” and is not the correct method for recording transfers of copyright ownership. For further information about recordation of documents, read Circular 12, *Recordation of Transfers and Other Documents*.

Published Work Previously Registered as Unpublished

A supplementary registration is *not* acceptable to correct a registration that did not identify the work as published. The deposit requirement for a published work is different from that for an unpublished work. Therefore, the proper deposit requirement has not been met and cannot be met with a supplementary registration. In this case, another basic registration should be made with the proper deposit materials for a published work. In the “Limitation of Claim” section of the registration application, give the registration number

and year of the previous registration in the spaces provided. In the “Other” box for “New Material Included,” state, “This registration is made to correct a registration that was incorrectly made as unpublished.”

Suggestions for Completing Form CA

Space A: This space identifies the registration that is being amended. Give the title, authors, claimants, and year date of registration *exactly* as they appear in the original application, including any incorrect information.

Space B: Complete this part *only* if information in the basic registration was incorrect at the time that basic registration was made. Transcribe the erroneous information *exactly* as it appears in the basic registration. Give the correct information and explain the error. For example: “Andrew Miller named at space 2; should have been Ardis Miller — author’s first name was in error.”

Space C: Complete this part if your purpose is to add, update, or clarify information rather than to correct an actual error. Explain the additional information. For example: “Maude Miller, U.S. citizen, was an author — name was accidentally omitted.”

Space F: The application is not acceptable unless it bears the handwritten signature of the author, copyright claimant, owner of exclusive right(s), or the duly authorized agent of such author, claimant, or owner.

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.

If you apply for copyright registration using a paper application, you will not receive an acknowledgment that your application has been received (the Office receives more than 600,000 applications annually), but you can expect:

- a letter or a telephone call from a Copyright Office staff member if further information is needed or
- a certificate of registration indicating that the work has been registered, or if the application cannot be accepted, a letter explaining why it has been rejected

If you want to know the date that the Copyright Office receives your material, send it by registered or certified mail and request a return receipt.

A FINAL WORD OF CAUTION: This circular contains general information about the purposes and procedures for making supplementary registration. In many cases, however, it is important to consult a copyright attorney before deciding the best procedure to follow.

For Further Information

By Internet

Circulars, announcements, regulations, and all copyright application forms 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 1-877-476-0778 (toll free). Staff members are on duty from 8:30 AM to 5:00 PM, eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day. Or, if you know which application forms and information circulars you want, you can request them 24 hours a day from the Forms and Publications Hotline at (202) 707-9100. Leave a recorded message.

By Regular Mail

Write to:

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