

Copyright Registration for Single Serial Issues

This circular provides background information about the registration of copyright claims in single serial issues.

For information on group registration for daily newspapers and newsletters, see Circular 62A, *Group Registration of Newspapers and Newsletters on Form G/DN*, and Form G/DN. For information on group registration for weekly or monthly serials, see Circular 62B, *Group Registration for a Group of Serial Issues*.

Definitions

Serials

For copyright purposes, serials are defined as works issued or intended to be issued in successive parts bearing numerical or chronological designations and intended to be continued indefinitely. The classification “serial” includes periodicals, newspapers, magazines, bulletins, newsletters, annuals, journals, proceedings of societies, and other similar works.

Work Made for Hire

A “work made for hire” is a work prepared by an employee within the scope of his or her employment, or a work specially ordered or commissioned for certain uses (including use as a contribution to a collective work), if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire. The employer is the author of a work made for hire.

Collective Work

The term “collective work” refers to a work, such as a serial issue, in which a number of contributions are assembled into a collective work. A claim in the “collective work” extends to all copyrightable authorship created by employees of the author, as well as any independent contributions in which the claimant has acquired ownership of the copyright.

Registration

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

Online Registration

Online registration through the electronic Copyright Office (eCO) is the preferred way to register single serial issues. 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; and 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. 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.

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

Registration with Paper Forms

Fill-in copyright application forms are available on Copyright Office website, including Form SE (single serials). Complete the form on your personal computer, print it out, and sign and mail it with a check or money order and your deposit. Blank forms can also be printed out and completed by hand or requested by postal mail (limit of two copies of each form by mail). To request forms by postal mail, see the contact details at the end of this circular. Mail your completed application and deposit to

*Library of Congress
U.S. Copyright Office-SE
101 Independence Avenue SE
Washington, DC 20559-6226*

NOTE: A claim to copyright in a single issue does not give blanket protection for other issues published under the same serial title. Each serial issue is considered a separate work for copyright purposes.

The Claimant and the Extent of the Claim

The copyright claimant is the person, organization, or legal entity authorized to claim copyright in the serial issue. The claimant is the author or the person or organization to whom all rights have been transferred.

The claimant registering a serial may claim copyright not only in the collective-work authorship for which the claimant is responsible, but also in any independently authored contributions in which all rights have been transferred to the claimant by the contributors.

If the serial issue includes any independently authored contributions in which all rights have been transferred by the contributor to the claimant for the serial issue as a whole, those contributions can be included in the claim being registered.

Online Application

If you are registering online, you can either (1) list each individual contributor separately as an author, give the title of each contribution in the “other” field on the author-created screen, and check the appropriate transfer statement in the copyright claimant area of the registration application or (2) not list the individual contributor(s) and check the appropriate transfer statement (*for example*, By written agreement(s) from individual contributors not named on the application/certificate). If you name some but not all of the individual contributors to the collective work as authors, and all rights to those contributions were transferred to the claimant, check the appropriate transfer statement (*for example*, By written agreement(s) from individual contributors named and contributors not named on the application/certificate).

Paper Application

If you are registering on paper, you can either (1) list each individual contributor separately as an author, give the title of each contribution in the “nature of authorship” space, and add the appropriate transfer statement in the copyright claimant area of the registration application or (2) not list the individual contributor(s) and add the appropriate transfer statement (*for example*, By written agreement(s) from individual contributors not named on the application/certificate). If you name some but not all of the individual contributors to the collective work as authors, and all rights to those contributions were transferred to the claimant, add the appropriate transfer statement (*for example*, By written agreement(s) from individual contributors named and contributors not named on the application/certificate).

If you decide to not name the individual contributors, please note that some federal district courts have ruled that certain database registrations did not extend to any contributions by authors who were not explicitly named on the applications. The cases involved registrations based on applications that contained general references to unnamed authors, “three authors named, and [number] others.” The courts decided that such a general reference to unnamed authors in the name-of-author space did not satisfy what the courts understood to be a statutory requirement in 17 U.S.C. 409(2) that the application name all authors whose contributions the claimant wanted covered by the registration. The courts also concluded that in order to include the individual works within the compilation, the applications were required to state the titles of those works as well. The Copyright Office disagrees with these rulings, two of which have been appealed, and has not changed its practices because of them. However, it may be prudent to take them into account as you

decide whether to name all the individual authors whose contributions are included in the serial.

If the serial issue includes any independently authored contributions in which all rights have not been transferred by the contributor to the claimant for the serial issue as a whole, those contributions are not included in the claim being registered, because the claimant in these contributions is different from the claimant in the entire serial issue.

A separately authored contribution in which all rights have not been transferred by the contributor to the claimant for the serial issue as a whole can be registered for copyright independently. To register such a contribution, the contributor should file a separate claim.

How to Complete the Application

Author Information

The applicant must determine who is the author of the serial issued covered by the claim and whether the material produced by that author is a “work made for hire.” Where the author is a corporation or other organization, the application must indicate that the work was “made for hire.” Therefore, in the case of the typical serial issue that is made for hire, the applicant should give the full legal name of the employer and check “yes” to show that the work was made for hire.

Author Created

In most cases, the preferred description of the authorship in a serial issue is either “compilation” or “contribution(s) to a collective work,” or both. A more specific statement is not generally necessary but may be given if appropriate. If you use online registration, check the “compilation” and/or “contribution(s) to a collective work” box(es).

Copyright Claimant and Transfer

Give the full legal name and address of the claimant for the serial issue as a whole. When the same name or names appear as author and claimant, there is no need to complete the “transfer” space.

Conversely, whenever the name of the serial claimant is different from the name of one or more authors, a transfer statement is required.

If you listed the author(s) of independent contributions, check the appropriate transfer statement on the online registration application or add the appropriate transfer statement on the paper application (*for example*, By written agreement(s) from individual contributors named on the application/certificate). If you name some but not all of the

individual contributors to the collective work as authors, and all rights to those contributions were transferred to the claimant, check the appropriate transfer statement on the online application or add the appropriate transfer statement on the paper application (*for example*, By written agreement(s) from individual contributors named and contributors not named on the application/certificate).

If you did not list the author(s) of independent contributions and the claimant is the owner of these contributions, check the appropriate transfer statement on the online registration application or add the appropriate transfer statement on the paper application (*for example*, By written agreement(s) from individual contributors not named on the application/certificate).

Notice of Copyright

Before March 1, 1989, the use of the copyright notice was mandatory on all published works, and any work first published before that date should have carried a notice. For works first published on or after March 1, 1989, use of the copyright notice is optional. For more information about copyright notice, see Circular 3, *Copyright Notice*.

Mandatory Deposit

Under the mandatory deposit provisions of the copyright law, two complete copies of the best edition of each issue of a serial published in the United States must be sent to the Copyright Office for the use of the Library of Congress. If registration is made, this requirement is automatically satisfied. If registration is not made, the two copies must be sent directly to the Copyright Acquisitions Division. (Registration is not mandatory.) It is the responsibility of the owner of copyright or the owner of the exclusive right of publication to fulfill this mandatory deposit requirement within three months after the date of publication in the United States. Failure to make the deposit can result in fines and other penalties.

Deposits of works that are not being registered should be sent to

*Library of Congress
Copyright Office-407 Serials
101 Independence Avenue SE
Washington, DC 20559-6602*

If applicable, a copy of the mandatory deposit notice must also be included with the submission.

The mandatory deposit requirement also applies to works first published abroad that have subsequently been published in the United States. Copyright Office regulations, however, permit the deposit of one copy of a “foreign work,” that is, a work first published abroad that is later distributed in the United States without a change in copyrightable content, if (a) registration for the work is made before the work is distributed in the United States, or (b) registration for the work is made after the work is distributed in the United States but *before a demand* for deposit is *made by this Office*. If registration is not made, or if it is made after a demand, then two copies must be deposited. Failure to make the deposit can lead to fines and other penalties.

How to Obtain an ISSN Number

Obtaining an International Standard Serial Number (ISSN) is separate from copyright registration. The Copyright Office does not administer ISSN assignment. For information about obtaining an ISSN, write to *Library of Congress, National Serials Data Program, Serial Record Division, 101 Independence Avenue SE, Washington, DC 20540-4160*. Or obtain information from the Library of Congress website at www.loc.gov/issn.

For Further Information

By Internet

Circulars, announcements, regulations, certain application forms, and other materials are available from the Copyright Office website at www.copyright.gov.

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. To request paper application forms or circulars, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

By Regular Mail

Write to

*Library of Congress
Copyright Office-COPUBS
101 Independence Avenue SE
Washington, DC 20559-6304*