

Public Registration & Legal Deposit Systems

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Register of Copyrights
United States of America



Registration
§§ 408-412

Recordation
§ 205

Legal Deposit
§ 407

U.S. Legal Deposit

- Applies to published works only.
- Applies to the owner of copyright or of the exclusive right of publication.
- Must submit two copies of the “best edition” to the Library of Congress.
 - Currently in pilot phase of an IT project to accommodate “born digital” works such as electronic books and journals.
 - Will require updates to “best edition” definition.
- Register of Copyrights may exempt certain categories of works from the deposit requirement if deposit would be impractical or pose a financial hardship.
- Register of Copyrights may also issue demands for works not submitted voluntarily.

U.S. Registration

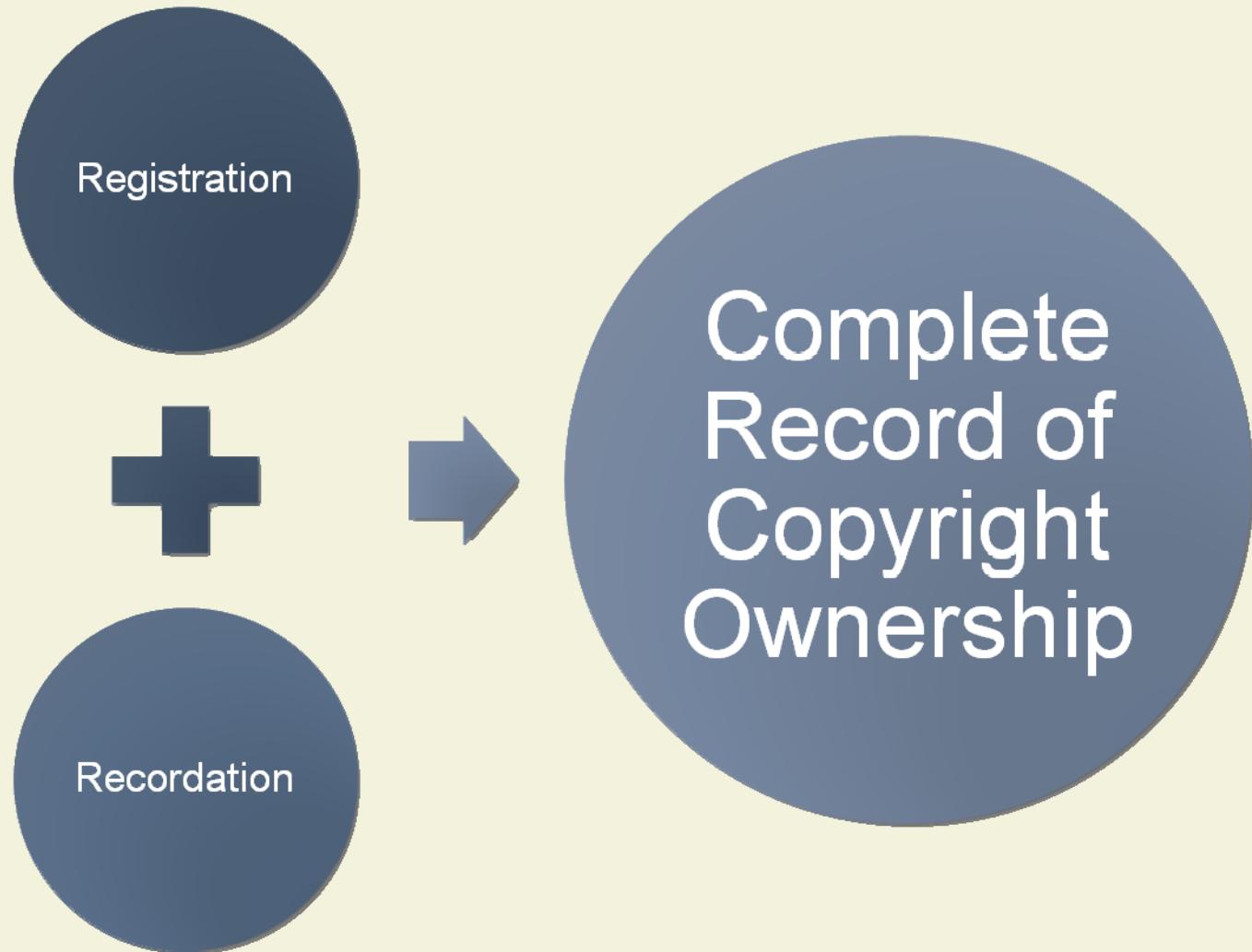
- Has been a part of U.S. law since 1790.
- Became voluntary as of 1978 (Copyright Act of 1976).
- Full implementation of electronic registration system in 2008.



U.S. Recordation

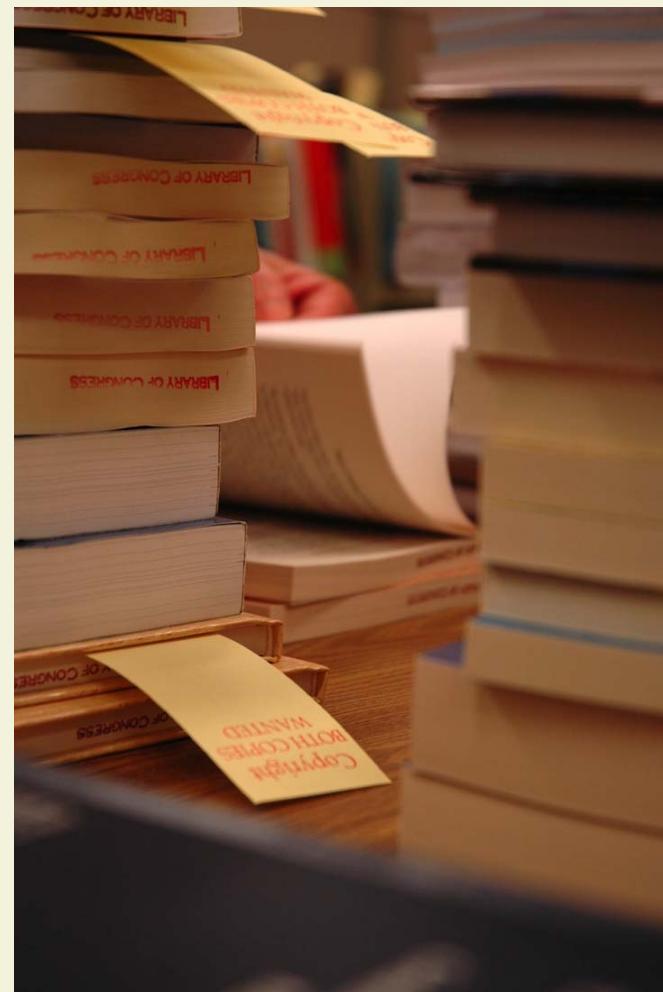


- Transfers of ownership or “any...other document pertaining to copyright.”
- Provides constructive notice of facts in document.



Registration: Role of the Copyright Office

- Skilled examiners review applications and deposits.
 - Legal sufficiency of application.
 - Copyrightability of deposit material.



Registration Systems Around the World

- According to WIPO, 48 countries have registration systems.
- Some other countries have private registries, typically operated through collective management organizations.

Public/Private Databases

Public Databases

- Operated by the U.S. Copyright Office.
- For the benefit of all copyright owners and users.
- Open to all types of copyrightable works.
- Complemented by public recordation system for assignment and transfers.

Private Databases

- Operated by private entities (e.g., trade associations; CMOs).
- For the benefit of members, often focused on licensing.
- Generally focused on one type of copyrightable work (e.g., musical compositions).
- Examples: ASCAP, BMI, SESAC, SoundExchange, CCC.

Public & Private Benefits

Registration

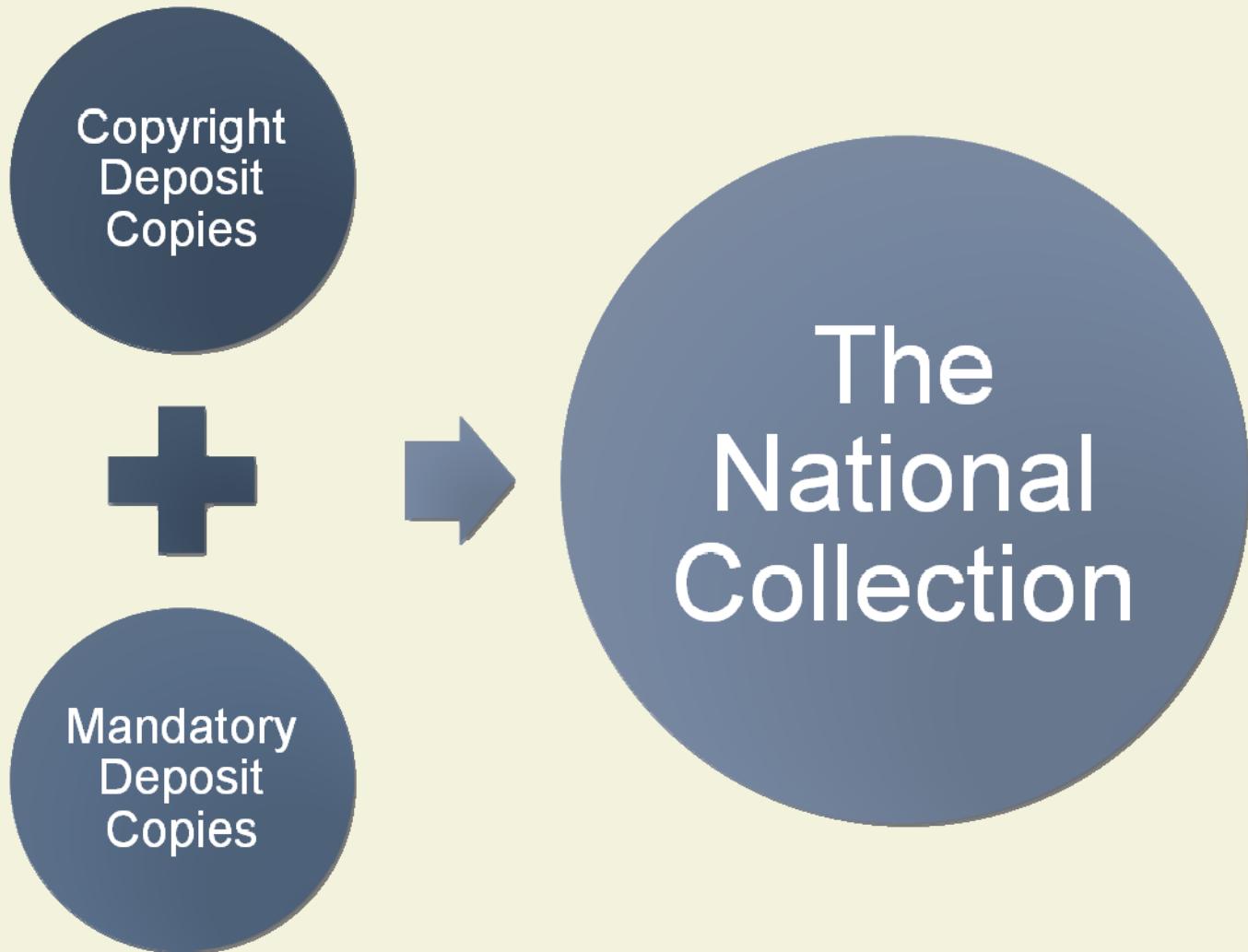
- Public record of copyright claim.
- Prerequisite for infringement litigation (for U.S. works).
- Statutory damages and attorney's fees.
- Helps build the national collection through deposit copies.

Recordation

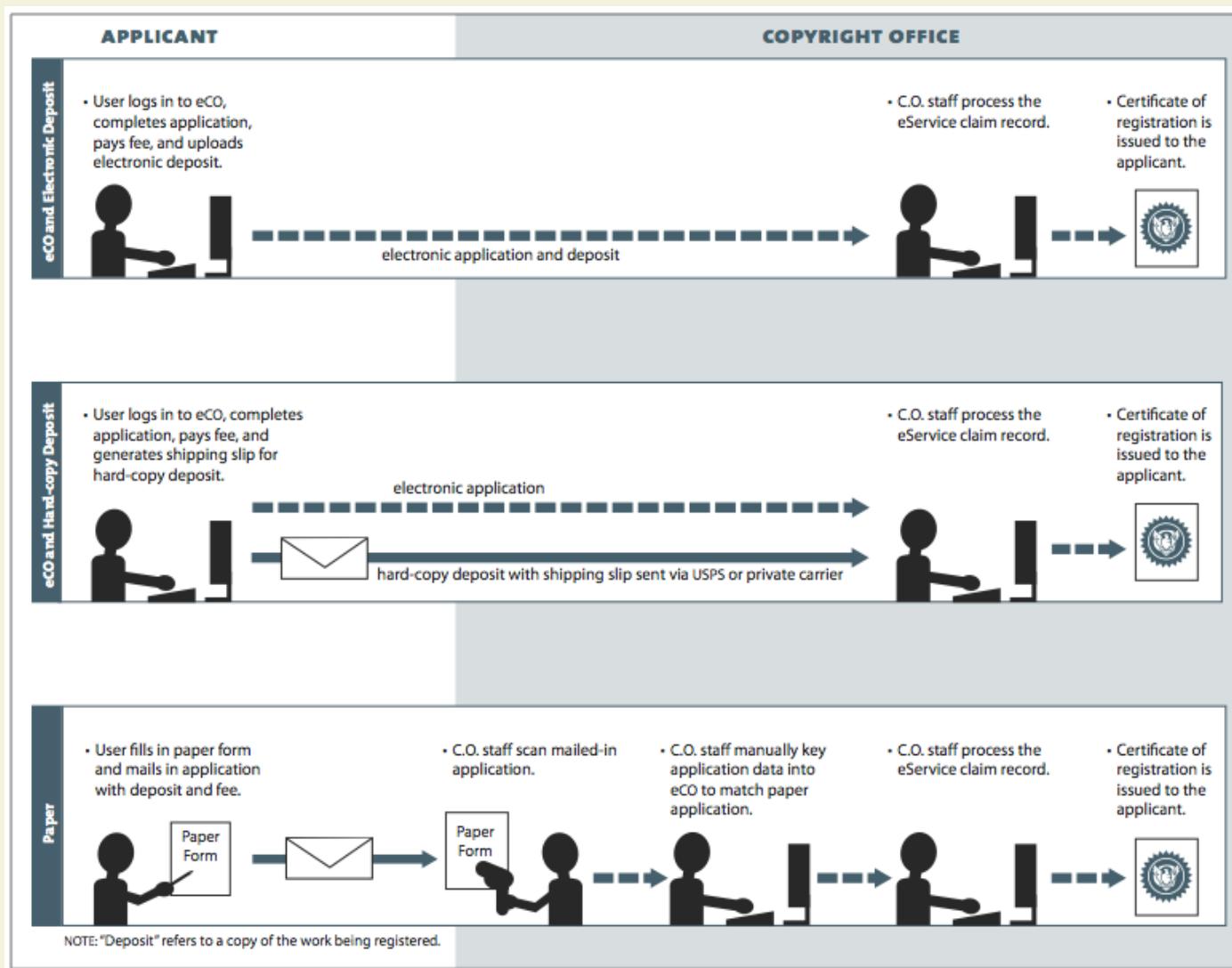
- Public record of ownership status.
- Establishes priority in claims of copyright title in cases of conflict.
- Facilitates licensing and other transactions.

Legal Deposit

- Helps build the national collection.



Hybrid Registration System



Electronic Registration Platform

Copyright
United States Copyright Office

 **COPYRIGHT HOME**

Home |  My Profile | Contact Us | Help | Log Out

Form **Pay** **Submit Work**

[eCO Navigation Tips](#)

Case #: 1-663916241

Type of Case: [Save For Later](#)

Date Opened: 9/22/2011

Links **Completed**

 Type of Work	
Titles	
Publication/Completion	
Authors	
Claimants	
Limitation of Claim	
Rights & Permissions	
Correspondent	
Mail Certificate	
Special Handling	
Certification	
Review Submission	

[Continue >>](#)

These are the types of work available in claim registration. Click on a Type of Work listed below for more information about each type.

[Literary Work](#)

[Work of the Visual Arts](#)

[Sound Recording](#)

[Work of the Performing Arts \(includes music, lyrics, screenplays, etc.\)](#)

[Motion Picture / Audio Visual Work](#)

[Mask Work](#)

[Single Serial Issue](#)

[Works that include more than one type of authorship.](#)

[Click here](#) for information on what may be included on a single application.

Select "Type of Work" that you are registering.

Type of Work cannot be changed after you click "Continue." [Click here](#) for more information.

* **Type of Work:**

Privacy Act Notice: Sections 408-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. § 705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

[+] FEEDBACK

Electronic registration system fully implemented in 2008.

Copyright Records Digitization

- Multi-year project to digitize 45 million unique pre-1978 copyright records currently on index cards in a card catalog.
- Prioritizing records for works published between 1923 and 1977, since the copyright for many of these works has not yet expired.
- Plan to make scanned records available online to enhance the value of the Office's public search tools.

Future of Registration

- Legal Changes and “Upgrades”
- Technology Upgrades

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