



www.oliveandolive.com 500 Memorial Street • Post Office Box 2049 • Durham, NC 27702-2049 | Phone (919)683-5514 • Fax (919)683-3781

Copyright Self-Help

In our 60+ years working with copyright clients at Olive & Olive, we have found that it often makes more sense, financially and practically, for the client to perform their own registration application work.

To be clear, we are more than happy to fill out a copyright registration application for our clients. Sometimes, the work is complex and a lawyer is needed; other times, the client simply doesn't have the time or available personnel. But like all lawyers, we charge for our time. And, using a lawyer simply isn't necessary in many cases. We'd rather have you spend your money with us on things you truly need, and where we can make a difference in the outcome.

Why would we say you don't need a lawyer? It's because the copyright application process is forms-based, with very comprehensible questions that—with some basic initial guidance—most clients can learn to complete on their own. A DIY approach can be especially helpful to those who want to save money or who are working on a casual or indeterminate timetable. Because United States copyright applications are now handled electronically, clients are able to access and create applications from anywhere they can access the Internet, enter data into a form, and upload a copy of the work they are trying to protect.

For people who are uncomfortable going it entirely alone, we often use an initial conference to walk the client through a first copyright application, filling it out together, so that they can use that as a template for the future. For our corporate clients, we often do a one- or two-hour session in-house to train designated employees on how to fill out the applications and then turn them loose...knowing that they can come back to us with questions whenever questions come up or a not-previously-encountered situation arises.

We can't, of course, guarantee that you'll do everything right...especially when we aren't standing by your side...but we think the odds are good. Keep reading, and see if you agree.

The Olive & Olive Guide to self-help on United States copyright registration applications

Before starting an application, you have to get to the entry point. For US Copyright applications, the entry point is:

www.copyright.gov/registration/ (explanation & FAQs, plus link to portal) &

<https://eco.copyright.gov> (the direct entry portal)

Through either of those links, you can access the electronic United States copyright registration application and begin the process.

The first step is creating an “eCO” user profile, including a user name and password. Remember that you should always choose a user name you can remember, and a password that assures your security. Copyright applications include personal information and payment information and thus, should be as secure as possible.

Once you create login information, a confirmation email will be sent to the email address you provide. Check your spam folder in case the email is caught by your email provider’s spam filter. Please note that the Copyright Office DOES NOT make your email address available on the public record.

Your new eCO profile can be used to create as many copyright registration applications as you have works. The online portal also gives you the opportunity to create templates that will aid in making your future work faster, and it allows you to save your work and come back to it at a later time.

Types of Works

This self-help guide works best for fairly simple works such as a literary work, a song, a collection of songs, an article, a work of art, etc. As their website indicates:

eCO accepts basic registrations only, including (a) any single work or (b) a collection of unpublished works by the same author and owned by the same claimant, or (c) multiple published works contained in the same unit of publication and owned by the same claimant. (Examples: A compact disk containing 10 songs; a book of poems)

In terms of the classes and types of works that may be registered, the Copyright Office says the following:

The following classes of works may be registered in eCO with electronic deposit copies:

- Unpublished works;
- Works published only electronically;
- Published works for which there are special agreements requiring the hard copy deposits to be sent separately to the Library of Congress.

All other classes of works may be registered via eCO (application and fee payment) but require hard copies of the work(s) being registered.

A collection of works may be registered with a single application if either of the following requirements is met:

- The collection is made up of 10 or fewer unpublished works by the same author and owned by the same claimant (using a special form); or

- The collection is made up of multiple published works contained in the same unit of publication and owned by the same claimant (using the standard form).

Fees

The fee for a single work with a single author (not made for hire) is \$35.00. All other copyright applications are \$55.00, for basic claims. The fees may be paid at the time of application, within the eCO portal, by credit card, debit card, or ACH. We do not recommend payment by any other method unless you have already established a deposit account with the Copyright Office. Attempting to pay by other means can complicate the process and may cause further delay and confusion.

You will have to pay the appropriate fee BEFORE you are able to upload your work as “deposit material” at the end of the application process, discussed below.

Filling in the Application

In proceeding through the application, you will need to provide information concerning the type of work, the author (including date of birth and citizenship), and the publication and completion status of the work. For collections or works with volumes, the eCO portal allows you to organize the work according to its given layout.

For those works with more than one author, you must list the primary claimant and whether the work is one made for hire. There are also limitations which must be addressed, i.e. whether there is anything you will be excluding from your copyright claim if it is printed or included among other works.

You will need to provide contact information for rights and permissions and general correspondence so that those wishing to use your work or the Copyright Office can get in touch with you. Finally, the certification is where you confirm the authenticity of your claim and designate where the certificate of registration is to be sent.

Along the way in answering these questions and filling in the application information, the eCO portal provides information that will help you make the right determinations.

Deposit Materials

“Deposit materials” means the copy of your work that you will be providing the Copyright Office to establish your registration. The advantage of using eCO is that you can provide an electronic copy and save postage; however, the Copyright Office will still accept hard copies of deposit material along with an eCO application. If your work is in a medium that’s impossible to adequately copy or recreate in electronic form, submitting it via mail will be necessary. Full instructions and mailing address are included in the eCO portal and you will need to print off a deposit material submission slip to include in your mailing. Note that the provided slip, which contains information specific to your application, MUST accompany any material sent by mail.

Here are the instructions provided by the Copyright Office for uploading deposit material in the eCO portal. You'll note they assume you've already paid your registration fee, because your fee must be paid BEFORE you are allowed to upload your work as deposit material.

Uploading Electronic Files in eCO

When payment is complete, you will see the "Payment Successful" screen. If not, refer to the Troubleshooting section).

Make sure the pop-up blocker on your browser is turned off.

IMPORTANT NOTE: The "Electronic Deposit Upload" window will not appear if your pop-up blocker is enabled.

Click the "Next" button on the upper right of the Payment Successful screen.

Click the "Upload Deposit" link in the "Deposit Submission" table. Click "browse" to select the file(s) you wish to upload (that is, send to eCO electronically)."

It is important to note before you submit your materials that only certain file types are acceptable and compatible with the eCO portal. Although the list is long, be sure your intended file is one of those listed below:

Data Files

- .db (Database File)
- .mdb (Microsoft Access Database)
- .xls (Microsoft Excel Spreadsheet)

Image Files

- .bmp (Bitmap Image)
- .dwg (AutoCAD Drawing)
- .dwt (Autodesk Design)
- .fdr (Final Draft)
- .gif, .giff (Graphics Interchange Format)
- .jpg, .jpeg, .jfif (Joint Photographic Experts Group)
- .pdf (Portable Document Format)
- .pic, .pict (Picture File)
- .png (Portable Network Graphic)
- .psd (Photoshop Document)
- .pub (Microsoft Publisher)
- .tga (Targa Graphic)
- .tif, .tiff (Tagged Image File Format)
- .wmf (Windows Metafile)

Audio Files

- .aif, .aiff (Audio Interchange File Format)

- .au (Audio File)
- .mid, .midi, .rmi (Musical Instrument Digital Interface)
- .mp3 (MP3 Audio File or Layer 3 Audio Compression)
- .ra, .ram (Real Audio File)
- .rmi (Resource Interchangeable File Format)
- .wav (Windows Wave Sound File)
- .wma (Windows Media Audio File)

Video Files

- .avi (audio video interleave)
- .mov (quicktime)
- .mpeg, .mpg (Moving Picture Experts Group)
- .rm, .rv (Real Media File)
- .swf (Adobe Flash formerly Shockwave Flash)
- .wmv (windows media video)

Text Files

- .doc (Microsoft Word Document)
- .docx (Microsoft Word Open XML Document)
- .htm, .html (HyperText Markup Language)
- .pdf (Portable Document Format)
- .rtf (Rich Text Document)
- .txt (Text File)
- .wpd (WordPerfect Document)
- .wps (Microsoft Works Word Processor Document)

Presentation Files

- .pps, .ppt (Microsoft Power Point)

Compressed Files

- .cab (Windows Cabinet File)
- .rar (Compressed Archive)
- .zip (Zipped File)

Waiting for Registration

To check on the status of your application, login to eCO and click on the blue case number associated with your claim in the Open Cases table at the bottom of the Welcome screen to view the Case Summary associated with the claim.

In our experience, and depending on the complexity of the application and any delays in submitting the deposit materials, it can take up to 6 or 8 months for a copyright application to be registered. (The Copyright Office sometimes is a bit optimistic when providing information about how long the process will take.)

Be aware that the Copyright Office may contact you via your email address to discuss anything about your application that they are unsure about or that may appear to be incorrect. In a majority of cases, simply replying to the Copyright Examiner's email will resolve the problem and if you provide whatever information is requested, your application will then proceed to registration. Each such notice has a 45-day response period within which you must respond to their attempt to contact you. Thus, it is imperative that you provide a working email address in the eCO portal and check your email account regularly.

Achieving Registration – What Now?

Generally, for any work that was created after January 1, 1978, the copyright extends for the life of the author plus seventy years after the author's death. There are different rules for works by multiple authors and for works created before 1978 and you can find those here: <https://www.copyright.gov/circs/circ01.pdf>

Once you receive your registration certificate, we recommend keeping a copy of the certificate with a copy of the registered work – safely, in a place where you will be able to find them later. This is because the Copyright Office does not promise to retain the copy of your work that was submitted with your application. (Even if you pay an extra fee, there isn't currently a lifetime "save" option.) As a result, you need to keep your own copy in case it is ever needed for enforcement. Your testimony as to what's covered by your registration will be much easier if everything is together from the start.

If you ever suspect infringement of your copyright-protected property, we encourage our clients to contact us promptly. There are deadlines for filing infringement lawsuits, and delay can be fatal to your case. If there is substantial delay, damages may be diminished or unavailable. Laws affecting such deadlines can change from time to time, and vary depending on the circumstances. We can discuss the relevant deadlines with you when and if infringement occurs.

If you are still unsure about any of the above information, contact us so that we may help you in obtaining a copyright registration. The self-help procedure is not for everyone and we have handled hundreds, if not thousands, of United States copyright registration applications since our founding in 1957.

Please also refer to our Copyright Learning Center page and to the United States Copyright Office Circulars, which provide a complete listing of topics and procedures regarding applications and registration: <https://www.copyright.gov/circs/>.

* * *