

This informational circular attempts to furnish answers to some of the questions which are asked of the Copyright Office. Specific questions relating to copyright problems not dealt with in this circular should be addressed to the Register of Copyrights, Library of Congress, Washington 25, D. C.

The Copyright Office does not give legal advice. Information or guidance on matters such as disputes over the ownership of a copyright, the determination of royalty payments, or prosecuting possible infringers, it may be necessary to consult a lawyer.

COPYRIGHT OFFICE

THE LIBRARY OF CONGRESS

WASHINGTON 25, D. C.

1. WHAT IS A COPYRIGHT

A copyright is a form of protection given by the laws of the United States to the authors of literary, dramatic, musical, artistic, and similar works. The owner of a copyright is given certain exclusive rights in his work. In addition to the exclusive right to copy his work, there are additional rights such as:

- The right to sell or distribute copies of the work.
- The right to transform or revise the work by means of dramatization, translation, musical arrangement, or the like.
- The right to perform and record the work.

Not all of the "exclusive rights" granted by the copyright law are without limitation. For example, in the case of musical compositions, the right to make public performances for profit. Likewise, recording rights in musical works are subject to a so-called "compulsory license provision," which permits recordings upon conditions.

GENERAL INFORMATION

The Copyright Law (Title 17, U. S. Code) defines the classes of works in which copyright may be claimed, with the exceptions. The classes named and the exceptions are:

- Books (Class A).—Works of authorship, including books, pamphlets, and other printed matter, with or without illustrations, published or unpublished.
- Periodicals (Class B).—Periodicals, including newspapers, magazines, and other publications, which appear at intervals of time.
- Lectures or similar productions prepared for delivery by oral or written means, including lectures, sermons, addresses, monologues, and radio scripts.
- Dramatic and dramatico-musical compositions (Class C).—Dramatic works such as plays, scripts for radio or television broadcast, pantomimes, and operas.
- Musical compositions (Class E).—All musical compositions (other than dramatico-musical compositions), with or without words, as well as new versions of musical compositions, such as adaptations, arrangements, and editing when such editing is the writing of an author.
- Maps (Class F).—All published terrestrial maps and atlases, marine charts, celestial maps, and such three-dimensional works as globes and relief models.
- Works of art; models or designs for works of art (Class G).—Works of artistic craftsmanship, insofar as their form but not their mechanical or utilitarian aspects are concerned, such as artistic jewelry, enamels, glassware, and tapestries, as well as all works belonging to the fine arts, such as paintings, drawings, and sculpture.
- Reproductions of works of art (Class H).—Published reproductions of existing works of art in the same or a different medium, such as a lithograph, photoengraving, etching, or drawing of a painting, sculpture, or other work of art.
- Drawings or plastic works of a scientific or technical character (Class I).—Diagrams or models illustrating scientific or technical works, or formulating scientific or technical information in linear or plastic form, such as an architect's or an engineer's plan or design, a mechanical drawing, or an anatomical model.

CONTENTS

1. What Is A Copyright
2. What May Be Copyrighted
3. Material That Cannot Be Copyrighted
4. Who May Claim Copyright
5. Common Law Rights and Statutory Copyright In Unpublished Works
6. Statutory Copyright In Published Works
7. Duration of Statutory Copyright
8. How To Secure Statutory Copyright In Unpublished Works
9. How To Secure Statutory Copyright in Published Works
10. The Copyright Notice
11. Application Forms
12. Transfer or Assignment of Statutory Copyright
13. Mailing Instructions
14. Foreign Works

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1. WHAT IS A COPYRIGHT

A copyright is a form of protection given by the law of the United States to the authors of literary, dramatic, musical, artistic, and similar works. The owner of a copyright is given certain exclusive rights in his work. In addition to the exclusive right to copy his work, there are additional rights such as:

- a. The right to sell or distribute copies of the work.
- b. The right to transform or revise the work by means of dramatization, translation, musical arrangement, or the like.
- c. The right to perform and record the work.

Not all of the "exclusive rights" granted by the copyright law are without limitation. For example, in the case of musical compositions, the copyright owner's rights extend only to public performances for profit. Likewise, recording rights in musical works are limited by the so-called "compulsory license provision," which permits recordings upon payment of certain royalties.

2. WHAT MAY BE COPYRIGHTED

The Copyright Law (Title 17, United States Code) lists thirteen broad classes of works in which copyright may be claimed, with the provision that these are not to be held to limit the subject matter of copyright. The classes named and the materials cited as pertinent to each under the regulations are:

Books (Class A).—Works of fiction and nonfiction, poems, compilations, composite works, directories, catalogs, annual publications, information in tabular form, and similar text matter, with or without illustrations, published as a book, pamphlet, leaflet, card, single page, or the like.

Periodicals (Class B).—Such publications as newspapers, magazines, reviews, bulletins, and serial publications, which appear at intervals of less than a year; also, contributions to periodicals.

Lectures or similar productions prepared for oral delivery (Class C).—Unpublished works such as lectures, sermons, addresses, monologs, recording scripts, and certain forms of television and radio scripts.

Dramatic and dramatico-musical compositions (Class D).—Dramatic works such as plays, scripts for radio or television broadcast, pantomimes, ballets, musical comedies, and operas.

Musical compositions (Class E).—All musical compositions (other than dramatico-musical compositions), with or without words, as well as new versions of musical compositions, such as adaptations, arrangements, and editing when such editing is the writing of an author.

Maps (Class F).—All published terrestrial maps and atlases, marine charts, celestial maps, and such three-dimensional works as globes and relief models.

Works of art; models or designs for works of art (Class G).—Works of artistic craftsmanship, insofar as their form but not their mechanical or utilitarian aspects are concerned, such as artistic jewelry, enamels, glassware, and tapestries, as well as all works belonging to the fine arts, such as paintings, drawings, and sculpture.

Reproductions of works of art (Class H).—Published reproductions of existing works of art in the same or a different medium, such as a lithograph, photoengraving, etching, or drawing of a painting, sculpture, or other work of art.

Drawings or plastic works of a scientific or technical character (Class I).—Diagrams or models illustrating scientific or technical works, or formulating scientific or technical information in linear or plastic form, such as an architect's or an engineer's plan or design, a mechanical drawing, or an anatomical model.

Photographs (Class J).—Photographic prints and filmstrips, slide films, and individual slides. Photoengravings and other photomechanical reproductions of photographs are registered in Class K. Prints, pictorial illustrations, and commercial prints or labels (Class K).—Prints or pictorial illustrations, greeting cards, picture postcards, and similar prints, produced by means of lithography, photoengraving, or other methods of reproduction. A print or label, not a trademark, published in connection with the sale or advertisement of an article or articles of merchandise also is registered in this class.

Motion-picture photoplays (Class L).—Motion pictures, dramatic in character, such as features, serials, animated cartoons, musical plays, and similar productions intended for projection on a screen or for transmission by television or other means.

Motion pictures other than photoplays (Class M).—Non-dramatic motion pictures, such as newsreels, musical shorts, travelogs, educational and vocational guidance films, and similar productions intended for projection on a screen, or for transmission by television or other means.

3. MATERIAL THAT CANNOT BE COPYRIGHTED

The fact that a work does not fit conveniently into one of the thirteen classes does not necessarily mean that it may not be copyrightable. However, there are several categories of material which do not appear to be eligible for statutory copyright protection. These include, among others:

- a. Words and short phrases such as names, titles, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listing of ingredients or contents.
- b. Works designed for recording information which do not in themselves convey information, such as time cards, graph paper, account books, diaries, and the like.
- c. Works consisting entirely of information that is common property containing no original authorship, such as: standard calendars, height and weight charts, tape measures and rules, schedules of sporting events, and lists or tables taken from public documents or other common sources.
- d. Sound recordings, and the performances recorded on them.

4. WHO MAY CLAIM COPYRIGHT

Only an author or those deriving their rights through him can rightfully claim copyright. There is no provision for securing a blanket copyright to cover all works of an author. Each work must be copyrighted separately if protection is desired. In the case of works made for hire, it is the employer who is regarded as the author and not the employee.

5. "COMMON LAW LITERARY PROPERTY" AND STATUTORY COPYRIGHT IN UNPUBLISHED WORKS

An unpublished work (that is, generally, one of which copies have not been made available to the public) is eligible for one of two types of protection:

- a. "Common Law Literary Property." This type of protection is a matter of state law, and arises automatically when the work is created. It may last as long as the work is unpublished, but it ends when the work is published.
- b. Statutory Copyright. This is the protection afforded by the federal statute, and in the case of unpublished works is secured by registration in the Copyright Office. While there is no requirement that an unpublished work be registered for statutory copyright, there may be advantages in doing so. Even if registration for a work has been made in unpublished form, it is still necessary to make a new deposit and registration after the work has been published with

notice, as explained below. Only certain types of works may be registered for statutory copyright in unpublished form; these include: musical compositions, dramas, works of art, drawings and plastic works of a scientific or technical character, photographs, motion pictures, and works prepared for oral delivery. The following types of material may not be registered as unpublished works: books (including short stories, poems, and narrative outlines), prints, maps, reproductions of works of art, periodicals, and commercial prints and labels.

6. STATUTORY COPYRIGHT IN PUBLISHED WORKS

In order to secure and maintain statutory copyright protection in a published work, it is essential that all published copies contain a *copyright notice* in the form and position described below. It is the act of publication with notice that secures copyright protection in a published work; the Copyright Office registers claims but does not grant copyrights.

Loss of Copyright by publication without notice. Once a work has been published without the required copyright notice, copyright protection is lost permanently and the work enters the public domain. Even adding the notice to later copies would not restore protection or permit the Copyright Office to register a claim.

The copyright statute defines the "date of publication" as "the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority."

7. DURATION OF STATUTORY COPYRIGHT

The first term of statutory copyright runs for twenty-eight years. The term begins on the date the work is published with the notice of copyright, or, in the case of unpublished works registered in the Copyright Office, on the date of such registration. A copyright may be renewed for a second term of twenty-eight years, provided an application for renewal is made to the Copyright Office and duly registered during the last year of the original twenty-eight year term, which is measured from the exact date on which the original copyright began. For information concerning the procedure for filing a renewal application, request Circular No. 15.

8. HOW TO SECURE STATUTORY COPYRIGHT IN AN UNPUBLISHED WORK

Procedure to follow. Statutory copyright in unpublished works is secured by registering a claim in the Copyright Office. For this purpose, it is necessary to forward the following material:

- a. *Application Form.* The appropriate form may be ordered from the Copyright Office from the list printed below. NOTE: Forms A, B, F, H, K, and KK may not be used for unpublished works.
- b. *Copy.* In the case of manuscripts one complete copy should accompany the application. It will be retained by the Copyright Office. Special requirements concerning motion pictures, photographs, and certain graphic and artistic works are stated on the application forms which may be secured without charge from the Copyright Office.
- c. *Fee.* The registration fee for unpublished works is \$4.00.

9. HOW TO SECURE STATUTORY COPYRIGHT IN A PUBLISHED WORK

Procedure to follow. Three steps should be taken in order to secure and maintain statutory copyright in a published work:

- a. *Produce copies with copyright notice.* First, produce the work in copies by printing or other means of reproduction. It is essential that the copies bear a copyright notice in the required form and position described below.

b. *Publish the work.*

c. *Register your claim in the Copyright Office.* Promptly after publication, you should forward the following material:

1. *Application Form.* The appropriate form may be requested from the Copyright Office from the list printed below.
2. *Copies.* Send two copies of the best edition of the work as published.
3. *Fee.* With one exception, the registration fee for published works is \$4.00. The fee for a commercial print or label is \$6.00.

10. THE COPYRIGHT NOTICE

Form of the Notice. As a general rule, the copyright notice should consist of three elements:

- a. *The word "Copyright", the abbreviation "Copr.", or the symbol "©".* Use of the symbol © may result in securing copyright in countries which are members of the Universal Copyright Convention.
- b. *The name of the copyright owner.*
- c. *The year date of publication.* If the work has previously been registered as unpublished, the year date of such registration should be given.

These three elements should appear together on the copies; for example:

© John Doe 1957

Optional Form of Notice. For works registrable in Classes F through K, namely, maps, works of art, models or designs for works of art, reproductions of works of art, drawings or plastic works of a scientific or technical character, photographs, prints and pictorial illustrations, and prints or labels used for articles of merchandise, a special form of notice is permissible. This may consist of the symbol ©, accompanied by the initials, monogram, mark, or symbol of the copyright owner, if the owner's name appears upon some accessible portion of the work.

Position of the Notice. For a book or other publication printed in book form, the copyright notice should appear upon the title page or page immediately following. The "page immediately following" is normally the reverse side of the page bearing the title. For a periodical, the notice should appear upon the title page, upon the first page of text, or under the title heading. For a musical work, the notice may appear either upon the title page or upon the first page of music.

11. APPLICATION FORMS

The following forms are provided by the Copyright Office, and may be obtained free of charge upon request:

Class A Form A—Published book manufactured in the United States of America.

Class A Form A-B Foreign—Book or periodical manufactured and first published outside the United States of America (except works subject to the *ad interim* provisions of the copyright law of the United States of America).

or B Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America and subject to the *ad interim* provisions of the copyright law of the United States of America.

Class B Form B—Periodical manufactured in the United States of America.

Form BB—Contribution to a periodical manufactured in the United States of America.

Class C Form C—Lecture, sermon, or address, prepared for oral delivery.

Class D Form D—Dramatic or dramatico-musical composition.

Form E—Musical composition by an author who is a citizen or domiciliary of the United States of America or which is first published in the United States of America.

Class E Form E Foreign—Musical composition by an author who is not a citizen or domiciliary of the United States of America and which is not first published in the United States of America.

Class F Form F—Map.

Class G Form G—Work of art; model or design for work of art.

Class H Form H—Reproduction of a work of art.

Class I Form I—Drawing or plastic work of a scientific or technical character.

Class J Form J—Photograph.

Class K Form K—Print or pictorial illustration.

Class K Form KK—Print or label used for article of merchandise.

Class L or M Form L-M—Motion Picture.

Form R—Renewal copyright.

Form U—Notice of use of musical composition on mechanical instruments.

12. TRANSFER OR ASSIGNMENT OF STATUTORY COPYRIGHT

A copyright may be transferred or assigned by an instrument in writing, signed by the owner. The law also provides for the recordation of assignments of copyright in the Copyright Office. The original signed instrument should be submitted for the purpose of recording. It will be returned following recordation. To protect effectively an assignment executed in the United States, it should be recorded within three months from the date of execution. Assignments executed abroad should be recorded within six months.

13. MAILING INSTRUCTIONS

Address. Mail and other communications should be addressed to the Register of Copyrights, Library of Congress, Washington 25, D. C.

Fees. Do not send cash. All fees sent to the Copyright Office should be in the form of a money order, check, or bank draft, payable to the *Register of Copyrights*.

Mailing. Processing of the material may be more prompt if the application, copies, and fee are all mailed at the same time and in the same package.

14. FOREIGN WORKS

If the work is by an author who is neither a citizen nor a domiciliary of the United States and the work is first published outside the United States, special instructions should be requested.

A pamphlet edition of the law, Bulletin No. 14, "The Copyright Law of the United States of America," is available from the Copyright Office for \$0.25; a copy of the Regulations of the Copyright Office (Circular No. 96) may be obtained free on request.