



For More Information

Good websites:

www.copyright.gov
www.uiausa.org
www.inventorsdigest.com

Good book:

[The Copyright Handbook](#)
By Nolo Press®
(Good reference material; but we do not endorse or guarantee its accuracy)

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I. RIGHTS TO COPY

Rights are said to “vest” the moment the idea is “fixed in a tangible medium.”

However, actual rights vary depending on when a creation is submitted for registration with the United States Copyright Office.

II. REQUIREMENTS FOR A COPYRIGHT

Independent Creation: the work fixed in a tangible medium must be your own.

Creativity: a mere “Glimmer” is enough, but only the additional creative element is protected.

III. OWNERSHIP

Creations by Employees (in scope of employment): without a written agreement giving creation to employee, any creation is owned by the employer.

Contractors: without a written agreement to the contrary, creation is owned by the contractor.

IV. SEARCHES

For Originality: Not required by the Copyright Office, and are in fact quite difficult to conduct.

For Claimed Copyrights: Can obtain copy of deposit material upon a proper request (Circular 9). Takes at least six months to receive deposit material.

V. REQUIREMENTS FOR A COPYRIGHT REGISTRATION

Proper Execution of the Proper Form

Deposit Materials: vary depending on creation and whether or not it has been published.

Timely filing: you can file a registration at any time before your copyrights expire (70 years after death of author, or 100 from date of creation if the author is a corporation).

VI. PROCESS

File: takes about 6 months. Rejection received generally only when needed to clarify ambiguities.

Form CA available to supplement disclosure with new/more accurate information.

Expedited procedure available, at a price.

VII. THE LONGER YOU WAIT TO REGISTER, THE FEWER RIGHTS YOU RECEIVE

If filed within 3 months of publication, gain rights to attorneys’ fees, costs, and statutory damages, +

If filed within 5 years of publication: gain presumption that “facts” in registration are true, +

When filed anytime within life of rights: gain right to enforce rights in Federal Court to receive an injunction, or to enforce rights at law.

VIII. COPYRIGHT NOTICE

Gives a presumption that infringer has “knowledge” of the claim to registration

Format: “© YEAR, CLAIMANT NAME, CITY, STATE All rights reserved worldwide.”

IX. CAVEATS

Independent creation (“white room development”) is a defense to infringement.

Copyright filings may destroy trade secrets. However, trade secrets may be redacted from copyright deposit material.

Copyright misuse, and failure to give notice may dilute your rights.