



This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

Guide to e-Filing Copyright Registrations

R. Lee Strasburger, Jr. Morris, Manning & Martin, LLP

This guide is geared towards e-Filing copyright registrations on the Copyright.gov/eco website and assumes that the user has already registered with the eCO Registration System. During the online registration process, you will answer two groups of questions about the work you are copyrighting, make a payment, and upload a copy of the work (which is called the “deposit materials”). Generally, eCO is user friendly and will provide prompts if the forms are filled out incorrectly.

Copyright registrations do not have to be filed online (and in some cases cannot be filed online), but online applications offer numerous advantages including that they are cheaper and faster.

1. **Initial Questions-** from the homepage, after clicking “Register a New Claim” (found on the left side of the page under the “Copyright Registration” header), you will be asked three initial questions that help determine the fees that you will pay and the type of questions that you will answer. They are:

- a. *Number of Works*

- i. If you are only registering one work through this application, then answer “yes” to this question.
- ii. If you are registering multiple works through one application, then answer “no” to this question.
 1. Choreography, translations, cookbooks, websites, databases, serials, and multiple versions of the same work are all considered multiple works and require a “no” answer here.

Note: Organizations will almost always be registering one work and will answer “yes” to this question.

- b. *Number of Authors and Owners*

- i. If the work was created by one author, then answer “yes” to this question.
- ii. If the work was created by more than one author, then answer “no” to this question.

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1. If work is not owned by the single author (e.g., owned by a relative of a deceased author, was “made for hire,” owned by two individuals/corporations) or there are multiple performers on a sound recording, then answer “no” here.

Note: Organizations will almost always answer “no” to this question.

c. *Outside Materials*

- i. If the work is solely the work of one individual and you are that individual, then answer “yes” to this question.
- ii. If the work contains work from multiple individuals or you are not an author, then answer “no” to this question.
 1. For example, if there are multiple performers on a recording, someone else wrote the foreword, there is material from a third party that is not subject to the registration, then answer “no” here.

Note: Organizations will almost always answer “no” to this question.

2. **Application-** after answering the initial questions, you will be taken to the first question of the application. On the left-hand side of the page, there is a navigation/status table with the 12 questions of the application within it. An arrow indicates which question you are working on, and a checkmark indicates that the question has been completed. You must complete all 12 questions (i.e., see all 12 checkmarks) before the system will allow you to move to the next section. These questions are as follows:

- a. *Type of Work-* this question is an important part of the application; you cannot change your selection once submitted and the entire application changes based on your answer. When selected, a definition of each type of literary work is provided so that the user can confirm the proper selection. Generally, the correct selection should be fairly obvious; however, if it is not, be sure to read the potential choices very carefully.
 - i. LITERARY WORK
 1. Includes: fiction/non-fiction works, poetry, advertisements, computer programs, articles, software, etc.
 2. Does not include: dramatic works or issues of periodicals
 - ii. WORK OF THE VISUAL ARTS
 1. Includes: 2-D and 3-D pictorial, graphic, or sculptural work
 - iii. SOUND RECORDING
 1. Includes: sound recordings and applications for both sound recordings and the underlying, recorded work
 2. Does not include: sound recording from an audiovisual work
 - iv. WORK OF THE PERFORMING ARTS

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1. Includes: musical or dramatic works (e.g., scores, scripts, etc.)
 - v. MOTION PICTURE/AV WORK
 1. Includes: films, video, other audiovisual works
 - vi. SINGLE SERIAL ISSUE
 1. Includes: one issue of a serial (work published in successive, numbered parts that is intended to continue indefinitely)
 - a. If you publish a newsletter at least twice a week, you can file group claims. Consult an attorney for more information.
- b. *Titles*- you must enter at least one “title of work being registered,” which is the main title of the work that you want to copyright.
- i. The title does not have to appear in the deposit materials (i.e., copy of the work that you submit to the Copyright Office).
 - ii. You can enter additional “alternative” titles if you want.
 - iii. The title of the work should be fairly straightforward, except, potentially, in collective works (i.e., works that assemble together multiple individual works). The following example, relating to albums, should provide some clarity regarding the titles of collective works:
 1. If you are registering the entire album, then the album title is the “title of work being registered” and the track titles are the “contents titles.”
 2. If you are registering just the track and not registering the entire album, then the track title is the “title of work being registered” and the album title is the “title of larger work.”
- c. *Publication/Completion*- you must indicate whether the work has been published (i.e., the distribution of copies of a work to the public by sale or other transfer of ownership). Generally, if the work has been distributed to the public in any manner, then it has probably been published.
- i. If it has not been published, then you only need to provide the year that the work was completed.
 - ii. If it has been published, then you will to provide the year of completion, the date (MM/DD/YYYY) of first publication, and the country of first publication.
 1. Any copyright notices/dates in the deposit materials should not be after the date of completion (i.e., you cannot have a 2015 copyright notice/date for a work completed in 2014).
- d. *Authors*- you must provide the name and citizenship of the author(s) of the work.
- i. An author can be an organization or an individual.

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- ii. If a work has multiple authors, then each author's information is entered individually.
- iii. You will need to indicate whether the work was a "work made for hire." If you are registering a work made for hire, then the organization is the only author that you need to list. A work made for hire, in the most basic sense, occurs either:
 - 1. when you have an employee authoring the work within the scope of his/her employment; or
 - 2. in a very narrow list of certain types of works, when you commission a work from someone outside your organization and the contract expressly indicates that the work is "made for hire" (this area of law is very complicated; consult an attorney for more information).
- iv. You will also have to confirm the author's contribution to the work by indicating what type of content the author created.

e. *Claimants*

- i. You must provide the name and address of the individual/organization on whose behalf you are filing the registration.
- ii. If this individual/organization is not an author, then you will need to indicate how the work was transferred from the author to the claimant:
 - 1. Written agreement (e.g., contract)
 - 2. Inheritance (e.g., will)
 - 3. Other (e.g., court order)

f. *Limitation of Claim*

- i. If any of the work is not original material, then you need to indicate, generally, the category of the work that is not original material (e.g., photos in a handout that are subject to a different copyright claim). You will not have to specifically highlight the material that is not original.
- ii. If all of the work is original material, then you will not enter anything into this section.

g. *Rights & Permissions* **OPTIONAL**

- i. Provide contact information for the person in your organization who you want people to contact when they want to use your material (or just your organization's general contact information).

Note: You can use the same contact information for Rights & Permissions, Correspondent and Mail Certificate.

h. *Correspondent*

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- i. Provide contact information for the person in your organization who you want the Copyright Office to contact if the Office has a question about your application (or just your organization's general contact information).

- i. *Mail Certificate*

- i. Provide contact information for where you want your registration certificate mailed.

- j. *Special Handling*

- i. You can only request special handling in the face of litigation, customs issues, or contract/publishing deadlines relating to the work to be copyrighted.
 - ii. Special handling is very expensive (\$800+ as of February 2015).

Note: Organizations will almost never need to request special handling.

- k. *Certification*

- i. Before submitting this first section of the application, you must certify that:
 - 1. you are the author, claimant, owner, or agent of the same; and
 - 2. the information that you provided is correct.
 - ii. You can also provide other comments (e.g., if you redacted confidential information from the deposit materials, you can indicate that here).

- l. *Review Submission*- review the information that you entered before clicking "Add to Cart."

3. **Make Payment**- after completing the application, you pay the processing fees. This section should be just like any other online payment website.

4. **Submit Deposit Materials**- after paying the processing fees, you upload the deposit materials relating to the work for which you are applying for copyright protection (i.e., a copy of the work).

- a. Generally, deposit materials for the following works can be submitted electronically:
 - i. unpublished works;
 - ii. works published only electronically; and
 - iii. works for which the deposit material is ID Material (i.e., photos of 3-D works or any works larger than 96" in any dimension).

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- b. Usually, you only need to upload one copy of the work. If you cannot submit deposit materials electronically (i.e., the work does not fit into one of the above three categories), then you will probably need to mail two copies of the “best edition” of the work to the Copyright Office (see d. below). The following exceptions apply:
 - i. you only need to submit one copy of works first published outside the US;
 - ii. you only need to submit the first and last 25 pages of source code of a computer program (there are many special deposit requirements for computer source code; consult an attorney for more information);
 - iii. you only need to submit one copy of a collective work if you are just registering a portion of that work; and
 - iv. you must submit a description and a copy of a motion picture.
- c. Acceptable file type/sizes:
 - i. Almost any file type (e.g., .xls, .pdf, .mp3, docx).
 - ii. No larger than 500MB.
 - 1. If the deposit material is larger than 500MB, then split it into multiple files and number the files consecutively.
- d. “Best Edition”
 - i. Published works generally require the mailing of two copies of a “best edition,” which is generally the version of the work that is of the highest quality. For example:
 - 1. archival-quality paper rather than printer paper;
 - 2. hard cover rather than soft cover;
 - 3. illustrations in color rather than black and white; or
 - 4. larger editions rather than smaller.
 - ii. If there is only one version of the work, then two copies of that version will be acceptable.

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