

Copyright Registration of Musical Compositions and Sound Recordings

This circular explains the difference, for copyright purposes, between *musical compositions* and *sound recordings*.

A *musical composition* consists of music, including any accompanying words, and is normally registered as a work of the performing arts. The author of a musical composition is generally the composer, and the lyricist, if any. A musical composition may be in the form of a notated copy (for example, sheet music) or in the form of a phonorecord (for example, cassette tape, LP, or CD). Sending a musical composition in the form of a phonorecord does not necessarily mean that there is a claim to copyright in the sound recording.

A *sound recording* results from the fixation of a series of musical, spoken, or other sounds. The author of a sound recording is the performer(s) whose performance is fixed, or the record producer who processes the sounds and fixes them in the final recording, or both.

Copyright in a sound recording is not the same as, or a substitute for, copyright in the underlying musical composition.

Registration of a Musical Composition and a Sound Recording with a Single Application

Although they are separate works, a musical composition and a sound recording may be registered together on a single application if ownership of the copyrights in both is exactly the same. To register a single claim in both works, give information about the author(s) of both the musical composition and the sound recording.

Filing an Original Claim to Copyright with the U.S. Copyright Office

An application for copyright registration contains three essential elements: a completed application form, a nonrefundable filing fee, and a nonreturnable deposit—that is, a copy or copies of the work being registered and “deposited” with the Copyright Office.

Here are the options for registering your copyright, beginning with the fastest and most cost-effective method.

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Use This Chart to Determine if Your Work Is a Sound Recording or a Performing Arts Work

What is being registered	What the author created	What should be deposited <i>Published in the United States*</i>	What should be deposited <i>Unpublished</i>
Performing arts work Song or other musical composition	Music and words <i>or</i> Music	2 complete copies (if published in a notated copy) <i>or</i> 1 phonorecord (if published only on a disc or cassette)	1 complete copy (lead sheet, etc.) <i>or</i> 1 complete phonorecord (disc or cassette)
Sound recording Sound recording only	Sound recording	2 complete phonorecords	1 complete phonorecord
Musical composition and sound recording	Music and sound recording <i>or</i> Music, words, and sound recording	2 complete phonorecords	1 complete phonorecord

Points to note: Do not use “entire work” to describe what the author created. Deposit the “best edition” of a published work.

***For foreign publications, one copy or phonorecord of either the first published edition or the best edition.**

Online Registration

Online registration through the electronic Copyright Office (eCO) is the preferred way to register basic claims. Advantages of online filing include

- a lower filing fee
- fastest processing time
- online status tracking
- secure payment by credit or debit card, electronic check, or Copyright Office deposit account
- the ability to upload certain categories of deposits directly into eCO as electronic files

NOTE: You can still register using eCO and save money even if you will submit a hard-copy deposit. The system will prompt you to specify whether you intend to submit an electronic or a hard-copy deposit, and it will provide instructions accordingly. Hard-copy deposits are required for published works.

Basic claims include (1) a single work; (2) multiple unpublished works if the elements are assembled in an orderly form; the combined elements bear a single title identifying the collection as a whole; the copyright claimant in all the elements and in the collection as a whole is the same; and all the elements are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each element; and (3) multiple published works if they are all first published together in the same publication on the same date and owned by the same claimant.

To register online, go to the Copyright Office website at www.copyright.gov and click on *electronic Copyright Office*.

Registration with Paper Forms

Paper versions of Form PA (performing arts works, including motion pictures) and Form SR (sound recordings) are available on the Copyright Office website. Staff will send them to you by postal mail upon request. Remember that online registration through eCO can be used for these types of applications.

Mailing Addresses for Applications Filed on Paper and for Hard-Copy Deposits

Library of Congress
U.S. Copyright Office
101 Independence Avenue SE
Washington, DC 20559

NOTE: Copyright Office fees are subject to change. For current fees, please check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000.

NOTE: To make a single registration, copyright ownership in the musical composition and in the sound recording must be the same.

NOTE: Phonorecords (tapes, cassette tapes, cartridges, discs) are not sound recordings. Phonorecords are physical objects in which various kinds of works can be fixed. The works themselves may be musical compositions, literary works, dramatic works, or sound recordings.

Effective Date of Registration

When the Copyright Office issues a registration certificate, it assigns as the effective date of registration the date it received all required elements— an application, a nonrefundable filing fee, and a nonreturnable deposit—in acceptable form, regardless of how long it took to process the application and mail the certificate. You do not have to receive your certificate before you publish or produce your work, nor do you need permission from the Copyright Office to place a copyright notice on your work. However, the Copyright Office must have acted on your application before you can file a suit for copyright infringement, and certain remedies, such as statutory damages and attorney’s fees, are available only for acts of infringement that occurred after the effective date of registration. If a published work was infringed before the effective date of registration, those remedies may also be available if the effective date of registration is no later than 90 days after the first publication of the work.

If you apply online for copyright registration, you will receive an email saying that your application was received.

If you apply for copyright registration using a paper application, you will not receive an acknowledgment that your application has been received (the Office receives more than 600,000 applications annually), but you can expect:

- a letter or a telephone call from a Copyright Office staff member if further information is needed *or*
- a certificate of registration indicating that the work has been registered, or if the application cannot be accepted, a letter explaining why it has been rejected

Requests to have certificates available for pickup in the Copyright Office or to have certificates sent by Federal Express or another mail service cannot be honored.

If you want to know the date that the Copyright Office receives your paper application or hard-copy deposit, send it by registered or certified mail and request a return receipt.

For Further Information

By Internet

Circulars, announcements, regulations, paper application forms, and other materials are available from the Copyright Office website at www.copyright.gov. To send an email communication, click on *Contact Us* at the bottom of the homepage.

By Telephone

For general information about copyright, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 AM to 5:00 PM, eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day. If you want to request paper application forms or circulars, call the Forms and Publications Hotline at (202) 707-9100 and leave a recorded message.

By Regular Mail

Write to:

*Library of Congress
Copyright Office—COPUBS
101 Independence Avenue, SE
Washington, DC 20559*

