

Copyright Registration for Multimedia Works

General Information

A multimedia work is often instructional. Excluding its container, it combines authorship in two or more media. The authorship may include:

- text
- photography
- artwork
- sounds
- sculpture
- music
- cinematography
- choreography

The media may include two or more of the following:

- printed matter, such as a book, charts or posters, or sheet music;
- audiovisual material, such as a filmstrip, slides, videotape, or videodisk;
- a phonorecord, such as an audiodisk or audiotape; or
- a machine-readable copy, such as a computer-read disk, tape, or chip.

A multimedia work may have several copyrightable elements, usually including a motion-picture element or other audiovisual element, or a sound recording element. For the purpose of copyright registration, it is important to identify the separate copyrightable elements contained in the multimedia work. Identifying the elements will help you to determine which application form to use and what type of material to deposit.

An *audiovisual element* consists of a series of related pictorial images intended to be shown by the use of projectors, viewers, or electronic equipment. This element may be a filmstrip, slides, a film, a videotape, a videodisk, or a CD-I (interactive compact disc).

A *motion-picture element* is an audiovisual element that consists of a series of related images that, when shown in succession, *impart an impression of motion*. This element may be in the form of film, videotape, videodisk, or a CD-I.

A *sound-recording element* is a series of recorded sounds. Sounds accompanying an audiovisual or motion picture element are not defined in the copyright law as a “sound recording.”

How Copyright Is Secured

Statutory copyright protection begins automatically when a work is created in a fixed form such as a writing or recording. The Copyright Office, an office of public

record, registers claims to copyright and issues certificates of registration; it does not “grant” or “issue” copyrights. See Circular 1, *Copyright Basics*, for the benefits of registration.

Registration Procedures

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.

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

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

Option 1: Online Registration

Online registration through the electronic Copyright Office (eCO) is the preferred way to register basic claims for literary works; visual arts works; performing arts works, including motion pictures; sound recordings; and single serials. 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 all published works.

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 three months after the first publication of the work.

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

Option 2: Registration with Paper Forms

Paper versions of Form PA (musical compositions) and Form CON (continuation sheet for paper applications) are available on paper. These paper forms are accessible on the Copyright Office website, or staff will send them to you by postal mail upon request. Remember that online registration through eCO (see above) can be used for musical compositions.

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*

Single Unit Registration

All copyrightable elements of a multimedia kit may generally be registered with a *single* application, deposit, and fee, provided: 1) they are not published, or if published, are published together as a single unit; and 2) the copyright claimant is the same for each element.

Separate registrations for individual elements may be made by submitting a separate application and filing fee for each. A separate registration is required, however, for any element of a multimedia kit that is published separately or claimed by someone other than the copyright claimant for the other elements.

NOTE: The elements that you wish to register must be present and appear in the deposit. You may not register elements that are not protected by copyright such as concepts, ideas, or methods.

Deposit Requirements

The application must be accompanied by a deposit of the work to be registered. The deposit requirement varies according to the type of work being registered, and whether the work is published or unpublished. Copies or phonorecords deposited will not be returned.

Unpublished Works

Deposit one complete multimedia kit, containing all elements covered by the registration. (All elements should bear the title of the work. If the work contains color, the copy sent as a deposit should be in color.)

Published Works (See below for the definition of publication.)

For a multimedia kit first published in the United States, deposit one “complete copy” of the best published edition. A “complete copy” includes all copyrightable elements in the unit of publication. See Circular 7B, *Best Edition*, for information on the best edition criteria.

Effective November 27, 1991, either one complete copy of the work as first published or one complete copy of the best edition of the work is the required deposit for works first published only in a country outside the United States.

Works Containing a Motion-Picture Element

If the multimedia kit contains a motion-picture element, deposit a description of the motion picture in addition to the normal deposit requirements. The Library of Congress prefers the most detailed description possible, such as a shooting script, but will accept a synopsis or other general description. See Circular 45, *Copyright Registration for Motion Pictures*.

Works Containing an Element Fixed or Published in Machine-Readable Copies

When the multimedia kit contains authorship that is fixed or published only in machine-readable form, such as a computer tape or disk, or a semiconductor chip, deposit the appropriate identifying material for the machine-readable copy.

Pictorial Images · If the machine-readable copy produces a series of pictorial images (such as a videogame or instructional work), deposit the following material for this kind of audiovisual work:

- 1 A written synopsis or outline of the content of the audiovisual work; *and*
- 2 A reproduction of the audiovisual elements, in the form of:
 - A A videotape, depicting representative portions of the copyrightable content, *or*
 - B A series of photographs or drawings depicting representative portions of the work; *and*
- 3 The container and any instructional guide, if either contains authorship in which copyright is being claimed.

NOTE: If the pictorial images exist in color, they should be reproduced in color. If the work is published with a copyright

notice, the notice and its position on the work must be clearly shown on the identifying material.

Textual Images · If the machine-readable copy produces only a series of textual images, deposit one copy in visually perceptible form of the first and last 25 pages or the equivalent and five or more pages of the remainder, including the copyright notice, if any.

Musical Compositions · If the machine-readable copy produces a musical composition, deposit a notated transcription or recording (audiotape or audiodisk) of the entire work.

Sound Recordings · If the machine-readable copy produces a sound recording, deposit a recording of the entire work on an audiotape or audiodisk.

Computer Programs · If the machine-readable copy contains a computer program, deposit the first and last 25 pages of the source code printout. See Circular 61, *Copyright Registration for Computer Programs*, for further information.

NOTE: Regardless of the form used, the application may include a claim in all accompanying authorship.

Publication

Under the 1976 Copyright Act, publication is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display constitutes publication.

The following acts do not constitute publication: performing or displaying the work, preparing copies or phonorecords for publication, or sending the work to the Copyright Office for registration.

The definition of publication as stated in the previous two paragraphs applies only to works published under the copyright law that took effect January 1, 1978. For information about works published prior to that date, call or write the Copyright Office.

Notice of Copyright

Before March 1, 1989, the use of copyright notice was mandatory on all published works, and any work first published before that date should have carried a notice. For works first published on and after March 1, 1989, use of the copyright

notice is optional. For more information about copyright notice, see Circular 3, *Copyright Notice*.

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 three months after the first publication of the work.

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, other related materials, and certain copyright application forms are available on 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 call 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. Or, if you know which application forms and circulars you want, 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*