

Cartoons and Comic Strips

U.S. copyright law (title 17 of the *U.S. Code*) provides for copyright protection of literary and artistic works. Copyright protection begins automatically when a work is first created in a fixed form. Cartoons and comic strips are among the types of works of authorship protected by copyright. This protection extends to any copyrightable pictorial or written expression contained in the work. Thus a drawing, picture, depiction, or written description of a character can be registered for copyright. Protection does not, however, extend to the title or general theme for a cartoon or comic strip, the general idea or name for characters depicted, or their intangible attributes. Although the copyright law does not provide such protection, a character may be protected under aspects of state, common, or trademark laws, and titles and names may sometimes be protected under state law doctrines or state and federal trademark laws. Consult an attorney for details.

Copyright Registration

A cartoon or comic strip can be registered as a visual arts work or a literary work, depending on the nature of the work and the way it is presented. Generally, cartoons are considered works of the visual arts; however, if textual elements are preponderant in a cartoon or comic strip, it should be registered as a literary work.

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.

There are two ways to apply for copyright 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; the fastest processing time; online status tracking; secure payment by credit or debit card, electronic check, or Copyright Office deposit account; and the ability to upload certain categories of deposits directly into eCO as electronic files. To access eCO, go to the Copyright Office website and click on *electronic Copyright Office*.

You can also apply using paper forms. To access fill-in versions of Form VA (visual arts), Form TX (literary works), and Form CON (continuation sheet for paper applications), go to the Copyright Office website and click on *Forms*. Complete the form(s) on your personal computer, print them out, and mail them with a check or money order and a deposit. Blank forms can also be

printed out and completed by hand or requested by postal mail (limit two copies of any one form by mail).

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.

Deposit Requirements

The deposit requirements for cartoons and comic strips will vary in particular situations. The general requirements are as follows:

- If the work is unpublished, one complete copy.
- If the work was first published in the United States before January 1, 1978, two complete copies of the work as first published.
- If the work was first published in the United States on or after January 1, 1978, two complete copies of the best edition.
- If the work was first published outside the United States, whenever published, one complete copy of the work as first published.
- If the work is a contribution to a collective work and first published on or after January 1, 1978, one of the following: one complete copy of the best edition of the entire collective work, the complete section containing the contribution if published in a newspaper, the entire page containing the contribution, the contribution cut from the paper in which it appeared, or a photocopy of the contribution itself as it was published in the collective work. If first published before January 1, 1978, one complete copy of the issue as first published containing the contribution.

Registration of Collections and Contributions

A single registration can be made for cartoons published as a unit (for example, a comic book), provided that the copyright claimant is the same for all elements in the unit.

Two or more unpublished cartoons or comic strips can be considered for registration as a unit on a single application when submitted with a nonrefundable filing fee and a nonreturnable deposit of the work if the following four conditions are met:

- the selections are assembled in an orderly form;

- the combined selections bear a single title identifying the collection as a whole;
- the copyright claimant in all the selections and in the collection as a whole is the same; and
- all the selections are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each of the selections.

Works registered as a collection will be recorded in the records of the Copyright Office only under the collection title. *Copyright registration of cartoons and comic strips extends only to copyrightable selections deposited at the time of registration.* There is no blanket registration that will cover works to be produced in the future.

A cartoon or comic strip published as a contribution to a periodical (for example, a magazine or newspaper) may be considered for group registration if certain conditions are met. Contact the Copyright Office for information and instructions on group registration for contributions to periodicals.

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 after March 1, 1989, the copyright notice is optional. For details, 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.

The time the Copyright Office requires to process an application varies, depending on the amount of material the Office is receiving and the method of application. If you apply online for copyright registration, you will receive an email notification when your application is received. If you apply on a paper form, you will not receive an acknowledgment of your application, but you can expect a certificate of registration indicating that the work has been registered; a letter or a telephone call from the Copyright Office if further information is needed; or, if the application cannot be accepted, a letter explaining why it has been rejected.

The Copyright Office cannot honor requests to make certificates available for pickup or to send them by express mail. If you want to know the date that the Copyright Office receives your paper application or your deposit, use registered or certified mail and request a return receipt.

For Further Information

By Internet

Circulars, announcements, regulations, other related materials, and all copyright application forms are available from the Copyright Office website at www.copyright.gov.

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. To request paper application forms or circulars, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

By Regular Mail

Write to:

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

