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Copyright Registrations: What Is The Process?

[Kristie Prinz](#)**Q.** How do I obtain a copyright?-- *henry***A.**

Copyright law works a bit differently than you might expect: you do not have to take any action with the Copyright Office to secure your rights in the work. Instead, copyright ownership on a work is secured automatically upon its creation in a fixed form.

So, you are probably thinking: if this is the case, why would you ever file a registration with the Copyright Office?

The answer is that a copyright registration provides a public record of ownership rights of a copyright and is required for works of U.S. origin before a copyright infringement suit may be filed in court. Also, if made before or within five years of the publication of the work, registration will establish prima facie evidence in court of the validity of the copyright and of the facts on the certificate. Moreover, if a registration is filed within three months of the publication of the work or prior to its infringement, then statutory damages and attorney's fees will be available to the copyright holder in an infringement action, whereas otherwise only actual damages and profits will be available in a legal action. Finally, copyright registration enables the copyright holder to record the registration with the U.S. Customs Service for protection against the importation of infringing copies.

You may be interested to know that completion of the copyright registration forms is fairly simple and could be handled by a layperson. Indeed, the Copyright Office makes available an excellent website at www.copyright.gov, where the general public may access the circulars and registration forms published by the Copyright Office for guidance on how to file a copyright registration.

Having said this, however, my recommendation would be to work with an intellectual property attorney

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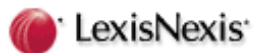
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specializing in copyright law initially when you decide to register a copyright. A copyright attorney will be able to advise you on how to protect revisions or new material that you add to your work, and in such cases, should be able to assist you with developing a copyright registration process that you will be able to adhere to in the future.

-- Kristie Prinz

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