

Copyrighting Songs

Register your copyright to protect ownership of your art

Before you share your masterpiece with the world, you should make sure it is protected by copyright. Register your copyright so that you receive proper compensation, respect, and at least credit for your work.

First, let's get a legal technicality out of the way. Your song is "copyrighted" without even filling out a form. So long as you have recorded the song, wrote the song down, or otherwise saved the song in a way that someone could copy it (do people copy songs?), then you have the "copyright."

Now, what most people think of as a "copyright", with paperwork involved, is a *registration* of a copyright. Think of it like owning a car or a home. You can own a car, a home, or a song. However, if you never register your ownership of the car, home, or your song, things are harder for you to prove ownership. You cannot even file a copyright infringement lawsuit unless your song is registered.

So register your song. Just like the car or home, you should register it right away. However, just like the car or home, it is better late than never. If you never registered the copyright to the song, you can still copyright it now.

So start out at www.copyright.gov, the U.S. Copyright Office's website, where you can download forms and find tons of information. The PA form is for "performing arts" and covers the musical composition. This is different from the "sound recording" copyright (use the SR form).

The PA form can be used for original pieces of music, such as that masterpiece that you wrote, or even an arrangement or adaptation of public domain music (such as "Midnight Special" arranged for tuba and kazoo).

The SR form can be used for *recordings* of music, whether it be original music or not. So if you record your lounge singer version of AC/DC's Back In Black, you can register the copyright in your recorded performance of that song, but AC/DC will probably be sending you a nice letter from their lawyers regarding their copyright in the musical composition.

So, when you copyright that masterpiece, you will need to send in the completed PA form and complete copies of the masterpiece, be they sheet music (what . . . you don't read music?), digital file, CD, cassette (how old are you?), and the like. The fee currently is \$65 but your fee is only \$35 if you file online. Processing of your application could take four months or more.

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Frederic M. Douglas is an IP litigator, dedicated to pursuing practical resolution of problems concerning patents, trademarks, copyrights, trade secrets, and other areas of law.

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