



Four Good Reasons to Register Your Copyrights

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You may have heard that copyrights arise automatically when you finish a creative work fixed in a tangible form, such as a book or other writing, picture, sculpture, musical recording, videotaped dance or other performance, computer program or website. That is true. However, there is a procedure for registering your trademark with the [United States Copyright Office](#).

Registration requires filling out some forms and paying a small fee of \$35. To avoid errors, an attorney specializing in copyright law can be employed to prepare and file the application for registration, which may cost a couple hundred dollars. Why go to the trouble if copyrights arise automatically? The answer is that copyright registration bestows many powerful benefits on a copyright owner. Four such benefits are described below.

1. Gain the Ability to File Suit

First, copyright registration allows a copyright infringement suit to be brought. If your copyright is not registered, you cannot enforce it in a court of law. It may be unlikely that you will have to sue to enforce your copyright, but if it does happen you will want to put a stop to the infringement right away, without having to wait months for your registration to make its way through the Copyright Office. In the meantime, the infringer could be making and selling thousands more copies of your work.

Even if you would decide in the end not to sue, having a registered copyright gives you tremendous leverage in negotiations with an infringer and discourages infringers from copying your work in the first place. Registration shows the world that you are serious about your creative work and about protecting it and helps you to obtain favorable settlements without having to resort to lawsuits. And you never know how you will feel if someone rips off your work, passes it off as their own, and distributes it with great success. You may just want to sue, after all.

2. Enhanced Damages From Infringers

Registering your copyrighted work within three months of publication or before infringement occurs entitles you to collect statutory damages and legal costs and attorney's fees. Since there is no way for you to know when an infringement will take place, it is a very good idea to register your work within three months of publication.

Statutory damages are special damages in an amount specified by copyright law- \$750 to \$30,000 per work. They do not require the copyright owner to prove any lost profits or other actual damages. Being entitled to statutory damages is an enormous advantage. It is often difficult to prove the extent of actual damages, which may in monetary terms be fairly low. With statutory damages, the amount of damages awarded is at the discretion of the court and depends on factors such as how willful and harmful a copyright infringement is.

The difference between actual provable damages and statutory damages can be vast. In one exemplary case, an actual damage award of \$1,050 was revised upwards to a \$30,000 statutory damage award. In cases where the copyright owner can prove willful (deliberate) infringement, this damage award may be increased to up to \$150,000!

In addition, attorney's fees and legal costs for a copyright infringement lawsuit can add up to a substantial sum- \$10,000 or more in some cases. If you register your copyright in a timely fashion, the court will have the discretion to make the infringer pay for all of these expenses on your behalf.

3. Evidentiary Value in Litigation and Negotiation

If a copyrighted work is registered within 5 years of publication, your registration serves as *prima facie* evidence that your copyright is valid, that you are the owner of the copyright, and that all the information on your registration certificate is accurate. If an alleged infringer wishes to challenge any of the information on your certificate, he must meet the burden of proving that it is inaccurate. This presumption can be very helpful if you need to obtain a quick preliminary injunction from a court to immediately put an end to the continued infringement of your copyrighted work.

4. Customs Enforcement & Public Record

Your copyright registration can be recorded with the U.S. Customs Service, which enables you to obtain the help of Customs in preventing the importation of goods that infringe on your copyrights. Registering your copyright also creates a public record of your work, putting the world on notice of your creation and in many cases enabling the world to come and see it at the Library of Congress.

Register Your Copyrights

The advantages of copyright registration are myriad. Their value to you depends on the value of your copyrighted work and of your exclusive right to distribute it. If you are serious

about marketing your creative work and decide that the benefits of copyright protection outweigh the costs, you should contact a copyright attorney to discuss the best way to obtain protection.