



## North Carolina Law Life

### Copyright Registration FAQs: I'm Gonna Sit Right Down and Mail Myself a Letter

By: Donna Ray Chmura. Thursday, September 8th, 2011



Image via Wikipedia

But I won't copyright it that way.

Recently, we've had a number of potential client with copyright questions. So we thought it was time to post some copyright registration **FAQs**.

1. **What can you copyright?** Copyright law protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, photographs, drawings, movies, songs, computer software, and architecture. Recipes and web sites sometimes can be protected, It protects the expression of ideas. It does not protect domain names, titles, slogans, most logos, band names, company names, facts, ideas, systems or methods of operation.
2. **How do you get protection?** Copyrights are created when you "fix" the work in a "tangible means of expression." So when it hits the paper, the memory card or the computer RAM, it is protected.
3. **What rights are included in the "copyright"?** Copyright is a bundle of rights: the right to copy the work, distribute the work, display the work, create derivative works, to publicly perform the work.
4. **Why should I register my copyright?** Technically speaking, copyright protection applies automatically upon creation, but this isn't as good as it sounds. Unless you get a federal registration, you cannot sue for infringement and your ability to get damages will be greatly reduced. Registered works are entitled to certain presumptions under the law, and are eligible for statutory damages and attorneys fees, which makes the case much simpler and much more efficient to bring. Otherwise you have the costly and burdensome job to prove the actual damages you suffered from the infringement.
5. **How long does a copyright last?** For works originally created on or after January 1, 1978 the term is the life of the author plus 70 years. If it is a joint work, the term lasts for 70 years after the last surviving author's death. For works made for hire, and for anonymous and pseudonymous works (unless the author's identity is revealed in Copyright Office records), the

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duration of copyright will be 95 years from publication or 120 years from creation, whichever is shorter. Other works have different times of duration, and it is best to discuss the specifics with a **copyright attorney**.

6. **How do I register my copyright?** To register a work, submit a completed application form to the **US Copyright Office**, along with a nonrefundable filing fee, which is \$35 if you register **online** or \$50 if you register by mail; and a nonreturnable copy or copies of the work to be registered.
7. **What about mailing the work to myself?** There is an enduring myth that mailing your work to yourself gives you protection. This is often called a "**poor man's copyright**." There is no provision in the copyright law regarding any such type of protection, and it is not a substitute for registration. At best, it could prove when the work was created, but there are so many ways to game this system that the practice is virtually worthless. We think this practice provides a dangerous false sense of security. At \$35, copyright registration is the most economic intellectual property protection.

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