

Copyright Basics

Type of Protection:

Copyright protection may be available for original works of authorship that are fixed in a tangible medium of expression. Protection is not available for facts, ideas, systems, and methods, although protection may be available for the expression of those facts or ideas.

Advantages of Federal Registration:

- Establishes a public record of your copyright claim.
- Is required before you can file a court action for infringement.
- Is prima facie evidence of validity if the registration is made within 5 years of the first publication.
- If timely filed, allows you to seek statutory damages and attorney's fees in an infringement action without having to prove actual damages and profits.
- Allows you to file with U.S. Customs to prevent others from importing infringing foreign goods.

Common Pitfalls:

- Failing to have a written agreement requiring an independent contractor to assign all rights in the copyright to you.
- Failing to include a copyright notice on your works.
- Failing to timely register with the Library of Congress.

Services:

Trenner Law Firm can help you identify copyrightable materials and register your works with the Library of Congress.

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