

Copyright Registration for Motion Pictures, Including Video Recordings

Motion pictures are audiovisual works consisting of a series of related images that, when shown in succession, impart an impression of motion, together with any accompanying sounds. Motion pictures are typically embodied in film, videotape, or videodisk.

Copyright in a motion picture is automatically secured when the work is created and “fixed” in a copy. Only the expression fixed in a motion picture (camera work, dialogue, sounds, and so on) is protected under copyright. Copyright does not cover the idea or concept behind a work or any characters portrayed in it.

Live telecasts that are not fixed in copies and screenplays or treatments of future motion pictures do not constitute fixations of motion pictures.

Publication

Publication of a motion picture takes place when one or more copies are distributed to the public by sale, rental, lease, or lending or when an offering is made to distribute copies to a group (wholesalers, retailers, broadcasters, motion picture distributors, and the like) for purposes of further distribution or public performance. Offering to distribute a copy of a motion picture for exhibition during a film festival may be considered publication of that work.

For an offering to constitute publication, copies must be made and be ready for distribution. The performance itself of a motion picture (for example, showing it in a theater, on television, or in a school room) does not constitute publication.

When a motion picture is published, all the components embodied in it are also considered to be published, including the music, the script, and the sounds. Thus, if a motion picture made from a screenplay is published, the screenplay is published to the extent it is contained in the published work.

Copyright Notice

Before March 1, 1989, the use of a copyright notice was required on all published works, and any work first published before that date should have carried a notice. For works first published on or after March 1, 1989, use of the copyright notice is optional. For more information, see Circular 3, *Copyright Notice*.

Copyright Registration

An application for copyright registration contains three essential elements: a completed application form, a non-refundable filing fee, and a nonreturnable deposit—that is, a copy or copies of the work being registered and “deposited” with the Copyright Office.

There are two ways to apply for copyright registration. Online registration is the preferred way to register basic claims for literary works; visual arts works; performing arts works, including motion pictures; sound recordings; and single serials. Advantages include a lower fee; the fastest processing time; online status tracking; secure online payment by credit or debit card, electronic check, or Copyright Office deposit account; and the ability to upload certain categories of deposits as electronic files. To access online registration, go to the Copyright Office website and click on *electronic Copyright Office*.

You can also apply using paper forms. To access fill-in versions of Form PA (performing arts works) and Form CON (continuation sheet for paper applications), go to the Copyright Office website and click on *Forms*. Complete the form(s) on your personal computer, print them out, sign and date them, and mail them with a check or money order and a deposit. Blank forms can also be printed out and completed by hand or requested by postal mail (limit two copies of any one form by mail).

Note: Copyright Office fees are subject to change. For current fees, check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000 or 1-877-476-0778 (toll free).

Effective Date of Registration

When the Copyright Office issues a registration certificate, it assigns as the effective date of registration the date it received all required elements—an application, a nonrefundable filing fee, and a nonreturnable deposit—in acceptable form, regardless of how long it takes to process the application and mail the certificate.

You do not have to receive your certificate before you publish or produce your work, nor do you need permission from the Copyright Office to place a copyright notice on your work. However, the Copyright Office must have acted on your application before you can file a suit for copyright infringement, and certain remedies, such as statutory damages and attorney’s fees, are available only for acts of infringement that occur after the effective date of registra-

tion. If a published work was infringed before the effective date of registration, those remedies may also be available if the effective date of registration is no later than 90 days after the first publication of the work.

If you apply online for copyright registration, you will receive an email notification when your application is received. If you apply on a paper form, you will not receive an acknowledgment of your application. If you want to know the date that the Copyright Office receives your paper application or your deposit, use registered or certified mail and request a return receipt.

The Copyright Office cannot honor requests to make certificates available for pickup or to send them by express mail.

Deposit Requirements for Registration

You must send a deposit copy and a description of the work being registered. The nature of the copy and description may vary, depending on the factors below.

Published Motion Pictures

For all published motion pictures, send

- 1 a separate description of the nature and general content of the work—for example, a shooting script, a synopsis, or a pressbook; and
- 2 one complete copy of the work. A copy is complete if it is undamaged and free of splices and defects that would interfere with viewing the work.

For motion pictures first published in the United States, send one complete copy of the best edition. Where two or more editions are published in the United States, the best edition is the one preferred by the Library of Congress. Currently, the Library accepts in descending order of preference:

Film, rather than another medium

- 1 Preprint material, by special arrangement
- 2 70mm positive print, if original production negative is greater than 35mm
- 3 35mm positive prints
- 4 16mm positive prints

Videotape formats

- 1 Betacam SP
- 2 Digital Beta (Digibeta)
- 3 DVD
- 4 VHS cassette

For motion pictures first published abroad, send one complete copy as first published or one copy of the best edition.

Unpublished Motion Pictures

For unpublished motion pictures, send

- 1 a separate description of the work, and
- 2 a copy of the work containing all the visual and aural elements covered by the registration. An alternative deposit option is available for unpublished motion pictures. For information, call (202) 707-8182.

Motion Pictures Not Viewable by Copyright Office Staff

The Copyright Office does not have equipment to view motion pictures in certain formats, including 1" open-reel videotapes and 8mm videocassettes. If you send one of these formats, please include the credits in the separate written description. If the work was first published before March 1, 1989, the Copyright Office must examine the work for the required copyright notice. In this case, please send the best edition copy and a copy that the Copyright Office can view—for example, a half-inch VHS videocassette.

Exceptions to Normal Deposit Requirement

In certain circumstances, special relief from the normal deposit requirement is available. In addition, the Motion Picture Agreement provides for alternative deposit procedures for published motion pictures.

Special Relief

Where it is unusually difficult or impossible to comply with the deposit requirement for a particular motion picture, you can submit a written request for special relief from the normal requirement. Address the request to the chief of the Performing Arts Division, state why you cannot provide the required copy, and describe the nature of the substitute copy being deposited. Include this letter with the registration material.

The decision to grant or deny special relief is based on the acquisitions policies and archival considerations of the Library of Congress and the examining requirements of the Copyright Office.

Motion Picture Agreement

The Motion Picture Agreement establishes several alternative deposit procedures for published motion pictures. How well it will serve a particular applicant depends on several fac-

tors, including how often the applicant files registrations. For details, call the Motion Picture, Broadcasting, and Recorded Sound Division at (202) 707-8572 or write to

Library of Congress

Motion Picture, Broadcasting, and Recorded Sound Division

ATTN: Reference Assistant

101 Independence Avenue SE

Washington, DC 20540

Mandatory Deposit for Published U.S. Works

The owner of copyright or the owner of the exclusive right of publication of a motion picture published in the United States has a legal obligation to deposit in the Copyright Office within three months of publication in the United States one complete copy of the best edition of the work and a description of it. Failure to deposit this copy after the Copyright Office demands it can result in fines and other penalties.

Depositing the required copy with an application and fee for copyright registration simultaneously satisfies any mandatory deposit requirement for the motion picture. Satisfying the mandatory deposit requirement alone does not provide the benefits of copyright registration. For details, see Circular 7D, *Mandatory Deposit of Copies or Phonorecords for the Library of Congress*.

Motion Picture Collection

The Library of Congress holds the nation's central collection of books, recordings, photographs, maps, audiovisual works, and other research materials. Many of the Library's acquisitions are obtained through copyright deposits. The material acquired by this means is critical to the Library's recognized success in maintaining superior and comprehensive collections.

Motion pictures form an essential part of the Library's holdings. As feature films, television programs, videos, and other audiovisual media become increasingly popular as a means of communication, education, and entertainment in our society, they also form a greater part of our historical record. The preservation facilities and bibliographic control provided by the Library ensure that many of these works will be available to future generations.

Motion Pictures First Published Before 1978

Works first published with notice before 1978 had an original 28-year term of copyright, and registration had to be made within that first term. The copyright could then be renewed in the 28th year for an additional term. Legislation enacted in 1992 made renewal automatic for works copyrighted between January 1, 1964, and December 31, 1977, and made it possible to register such works during their renewal term provided they were published with an acceptable notice. Such registrations must be made on Form RE accompanied by Form RE/Addendum. If such works were registered during their original term, their registrations can be renewed at any time during their renewal terms with just Form RE.

To access fill-in versions of Form RE and Form RE/Addendum, go to the Copyright Office website, www.copyright.gov, and click on *Forms*. Complete the form(s) on your personal computer, print them out, sign and date them, and mail them with a check or money order and deposit (see below). Blank forms can also be printed out and completed by hand or requested by postal mail (limit two copies of any one form by mail).

Deposit Requirement

If you register a claim in a motion picture first published before 1978 using Form RE and Form RE/Addendum, deposit one copy of the work as first published, that is, one of the first prints or tapes made from the master and distributed. If that is not available, deposit one complete copy of the original footage as first published that is reproduced in an acceptable format showing the copyright notice. See Circular 3, *Copyright Notice*, for notice requirements.

If you renew the registration of a work registered in its original term using Form RE, no additional deposit is required. For more information, see Circular 15, *Renewal of Copyright*.

Form GATT

A 1994 amendment to the U.S. copyright law included in the Uruguay Round Agreements Act (URAA) restored copyright in certain foreign works that had previously been in the public domain (including those that had entered the public domain because of publication without the required notice). Works whose copyrights have been restored can be registered on Form GATT. See Circular 38B, *Highlights of Copyright Amendments Contained in the Uruguay Round Agreements Act*, for more information.

For Further Information

By Internet

Circulars, announcements, regulations, application forms, and other materials are available on the Copyright Office website at www.copyright.gov.

By Telephone

For general information about copyright, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 AM to 5:00 PM, eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day. To request paper application forms or circulars, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

By Regular Mail

Write to

*Library of Congress
Copyright Office—COPUBS
101 Independence Avenue, SE
Washington, DC 20559*