

COPYRIGHT INFORMATION

On January 1, 1978, a new copyright law went into effect. Under the law in effect **before** 1978, copyright was secured either on the date a work was published or on the date of registration if the work was registered in unpublished form.

The new copyright law says that a work that is created (fixed in tangible form for the first time) on or after January 1, 1978 is automatically protected from the moment of its creation, and is ordinarily given a term enduring for the author's life, plus an additional 50 years after the author's death. In the case of "a joint work prepared by two or more authors who did not work for hire," the term lasts for 50 years after the last surviving author's death. This means that the author or creator of a work need not register that work to have copyright protection; he or she need only be able to prove when it was completed.

Copyright protection exists for "original works of authorship" when they become fixed in a tangible form of expression. Copyrightable works include the following categories: literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; and sound recordings.

Categories of material not eligible for copyright protection include titles, names, short phrases, and slogans; mere listings of ingredients or contents; improvisational speeches or performances that have not been written or recorded; ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices; works consisting *entirely* of information that is common property and containing no original authorship.

While no publication or registration or other action in the Copyright Office is required to secure copyright under the present law, there are certain definite advantages to registration:

- Registration establishes a public record of the copyright claim.
- Registration is ordinarily necessary before any infringement suits may be filed in court.
- If made before or within five years of publication, registration will establish prima facie evidence in court of the validity of the copyright and of the facts stated in the certificate.
- If registration is made within three months after publication of the work or prior to an infringement of the work, statutory damages and attorney's fees will be available to the copyright owner in court actions. Otherwise, only an award of actual damages and profits is available to the copyright owner.

Registration may be made at any time within the life of the copyright. To register a work, you will have to obtain an application form, available from the copyright

office or from libraries, and send the completed form, a \$10 filing fee, and a copy of the work being registered to the Copyright Office. To request application forms or the more detailed information and instructions in Circular R1, *Copyright Basics*, from which the information in this article has been taken, call 1-202-707-9100, or write:

Register of Copyrights
Copyright Office
Library of Congress
Washington, D.C. 20559-6000

The Writers Guild of America, East will also register material for its members at a fee of \$10 and for non-members at a fee ranging from \$22 to \$57., determined by the number of pages of the material. Registering with the WGAE is of special benefit to script writers, in that it accepts for registration, in addition to manuscripts, material which is not in full script form, *i.e.* synopses, outlines, ideas, treatments, scenarios. A registration is valid for ten years and may be renewed. For full information, write to:

Writers Guild of America, East
555 West 57th Street
New York NY 10019

Telephone: 212-767-7800
Fax: 212-582-1909

Request information on their Script Registration Service

(From material obtained from the Copyright Office of the Library of Congress and from the Writers Guild of America, East.)