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## “Tip of the Month”

### New Copyright Registration Rules

Beginning on March 15, 2019, the Copyright Office eliminated the option for registering a collection of unpublished works using the Standard Application. This applies to literary works, performing arts, visual arts, other digital content, motion pictures, and photographs. Except for photographs, only up to 10 unpublished works may be registered using the new application form for a “Group of Unpublished Works.” You can no longer register more than 10 unpublished works in a single application. For photographs, up to 750 unpublished photographs may be registered using the online application designated for “Unpublished Photographs.”

**What constitutes Publication?** Publication has a technical meaning in copyright law. Under copyright law, publication is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display constitutes publication. A public performance or display of a work does not of itself constitute publication. Generally, publication occurs on the date on which copies of the work are first made available to the public.

**Types of copyrightable works:**

A literary work is a work that explains, describes, or narrates a particular subject, theme, or idea through the use of narrative, descriptive, or explanatory text, rather than dialog or dramatic action. Generally, literary works are intended to be read; they are not intended to be performed before an audience.

Works of the performing arts are works that are intended to be performed for an audience. This category includes a wide variety of creative works, including music, lyrics, sound recordings, scripts, screenplays, choreography, motion pictures, video games, and similar types of works.

Works of the visual arts include a wide variety of pictorial, graphic, and sculptural works, as well as architectural works. Examples of visual arts works include paintings, sculptures, photographs, and other types of works.

Digital Content: The Copyright Act protects a wide variety of works that are used with computers, tablets, smartphones, videogame platforms, and other electronic devices. It also protects works that are used or distributed on the internet, such as websites, blogs, and other online content. To register these types of digital content, determine the predominant authorship and submit as a literary work, work of the visual arts, or work of the performing arts.

Motion Pictures are works that contain a series of related images that are intended to be shown with a projector, digital display, or other device. When the images are shown in successive order, they create an impression of movement that is perceptible to the eye. Examples of motion pictures include movies, television shows, video games, animations, and similar types of works.

If you have any questions about copyright registration, please do not hesitate to contact the attorneys at Mesmer & Deleault by calling (603) 668-1971 or by email at [mailbox@biz-patlaw.com](mailto:mailbox@biz-patlaw.com).

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