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“Tip of the Month”

Common Questions and Answers Regarding Copyrights

What is a copyright?

A copyright protects the expression of an idea, such as a song, story or drawing (known as a “work”), not the idea itself. Copyright is established automatically when the author fixes the expression of the idea on some acceptable medium. No governmental action, such as copyright registration, is required because copyright arises by common law.

What rights does a copyright give me?

A copyright gives the author the exclusive right to reproduce, adapt, publicize, perform, and display the work. Infringement occurs when any of these rights are violated.

Do I need to register my copyright?

Legally? No, but common-law copyright is not strong protection. In the event of infringement, a question could arise as to who created the work first. It can be expensive to gather evidence to prove this one aspect of the case.

Practically? Yes! Copyright registration establishes proof that the author created the work on the date registered, and proof that the infringer had access to the stolen medium – thus avoiding the expensive gathering of evidence.

In addition to proof, are there any other advantages to copyright registration?

Yes. Federal copyright registration has much stronger enforcement capabilities than common-law copyright and much better remedies for copyright infringement. Statutory damages are available to registered copyright owners even if actual damages cannot be proved. These statutory damages can range from \$200 to \$100,000 per infringement. Attorney fees are also available when enforcing under the Copyright Act. The author cannot even file an infringement lawsuit for a work created in the U.S. until the author registers copyright for the work.

How long does a copyright last?

A copyright lasts for at least 70 years, that is, for the life of the author plus 70 years or, if the work is a work-for-hire (created for someone else), then it is the shorter of 95 years from publication or 120 years from creation.

What is the cost for copyright registration?

Copyright registration is easy in the Copyright Office of the Library of Congress, with online forms and instructions, and the fees are relatively inexpensive.

If you need help, our office charges a low flat fee for filing the copyright registration application, which includes the filing fee. If you have any questions, the attorneys at Mesmer & Deleault have the experience and ability to help you. Give us a call today at 603-668-1971 or send an email to mailbox@biz-patlaw.com.

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