

# Circular 66

## Copyright Registration for Online Works

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### GENERAL INFORMATION

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This circular gives information about copyright registration of online works made available over a communications network such as the Internet. This information applies also to works accessed via network (World Wide Web sites and homepages, FTP sites, Gopher sites) and files and documents transmitted and/or downloaded via network.

Copyright protects original authorship fixed in tangible form. 17 U.S.C. sec. 102(a). For works transmitted online, the copyrightable authorship may consist of text, artwork, music, audiovisual material (including any sounds), sound recordings, etc. Copyright does **NOT** protect ideas, procedures, systems, or methods of operation. 17 U.S.C. sec. 102(b).

Under U.S. law, copyright protection subsists from the time the work is fixed. Copyright registration is not mandatory, but it has important benefits. For general information about copyright, request Circular 1, "Copyright Basics." See "For Further Information" on page 4 on how to obtain circulars and other information.

This circular does **NOT** apply to electronic registration or electronic deposit of digital works through CORDS (the Copyright Office Electronic Registration, Recordation and Deposit System), which is currently under development. For more information about CORDS, please request SL-11, "CORDS—Copyright Office Electronic Registration, Recordation and Deposit System" or consult the Copyright Office website at [www.copyright.gov](http://www.copyright.gov). Until CORDS is operational, online works must be registered under the current system using identifying material as the deposit. See the section that follows on "The Deposit."

### What the registration of an online work covers

For all online works other than computer programs and databases, the registration will extend only to the copyrightable content of the work **as received in the Copyright Office and identified as the subject of the claim**. The application for registration should exclude any material that has been previously registered or published or that is in the public domain. For published works, the registration should be limited to **the content of the work asserted to be published on the date given on the application**.

**NOTE:** For online computer programs and databases, the registration will extend to the entire copyrightable content of the work owned by the claimant, even though the entire content is not required in the identifying material deposited.

### Revisions and updates

Many works transmitted online are revised or updated frequently. For individual works, however, there is no blanket registration available to cover revisions **published** on multiple dates. A revised version for each daily revision may be registered separately, provided the revisions constitute copyrightable authorship. A separate application and \$30\* filing fee would be required for each separately published update. See the filing fee information on page 4.

### Databases

In some cases, a frequently updated online work may constitute an automated database. A group of updates, published or unpublished, to a database, covering up to a 3-month period within the same calendar year, may be combined in a single registration. For more information about registering databases, request Circular 65, "Copyright Registration for Automated Databases." All updates from a 3-month period may be registered with a single application and \$30\* filing fee.

### Serials and newsletters

Group registration (a single registration covering multiple issues published on different dates) is available for serials (published **weekly or less often**) and daily newsletters (published **more often than weekly**), including those published online. The requirements vary, depending on the type of work. For more information about registering serials, request Circular 62, "Copyright Registration for Serials on Form SE"; for daily newsletters, request Circular 62a, "Group Registration of Daily Newspapers and Newsletters." For group registration of serials and daily newspapers and newsletters, the filing fee is \$15\* per issue with a minimum fee of \$45.

**NOTE:** Group registration for serials is available only if the claim is in a "collective work." Thus, group registration is **NOT** available for electronic journals published one article at a time because such works are not collective works.

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## HOW TO REGISTER YOUR WORK

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To register a work transmitted online, send the following three items together in the same envelope or package to:

Library of Congress  
Copyright Office  
101 Independence Avenue, S.E.  
Washington, D.C. 20559-6000

1. A properly completed and signed application form
2. Appropriate deposit material
3. A nonrefundable filing fee for each application in the form of a check or money order payable to *Register of Copyrights*

Detailed information on each of these is given below.

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## THE APPLICATION

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### What Form to Use

Use the form that corresponds to the type of authorship being registered, for example:

- **Form TX**—literary material, including computer programs and databases
- **Form VA**—pictorial and graphic works, including cartographic material
- **Form PA**—audiovisual material, including any sounds, music, or lyrics (\*See Filing Fee information on page 4.)
- **Form SR**—sound recording, excluding sounds accompanying an audiovisual work
- **Form SE**—a single issue of a serial
- **Form SE/GROUP**—a group of issues of a serial, including daily newsletters
- **Form GR/CP**—a group of contributions to a periodical. (This form must be used in conjunction with Form TX, PA, or VA.)

If the work contains more than one type of authorship, use the form that corresponds to the predominant material.

The various classes (TX, PA, VA, SR) are for administrative purposes only. A work may be registered on any form.

**Exceptions:** A sound recording (sounds that do not accompany a series of images) **must** be registered on Form SR. Form SE/GROUP may be used **only** for group registration of serials. For more information, see Circular 56, “Copyright for Sound Recordings.”

### How to complete the form

In general, complete the form as explained in the instructions and in applicable Copyright Office circulars. **Information specific to online works is given in more detail below.**

### Space 2: How to describe the Nature of Authorship

In Space 2 of the application, give a brief statement describing the original authorship being registered. Use terms that clearly refer to copyrightable authorship. Examples are “text,” “music,” “artwork,” “photographs,” “audiovisual material” (including any sounds), “sound recording” (if the sounds do not accompany a series of images), and “computer program.”

Do **NOT** give statements that refer to elements that may not be protected by copyright, that may be ambiguous, or that do not clearly reflect copyrightable authorship. For example, do **NOT** use the terms “user interface,” “format,” “layout,” “design,” “lettering,” “concept,” or “game play.”

### Space 3: Determining if your work is published or unpublished

The definition of “publication” in the U.S. copyright law does not specifically address online transmission. As has been the long-standing practice, the Copyright Office asks the applicant, who knows the facts surrounding distribution of copies of a work, to determine whether the work is published or not.

In the current copyright law, “**publication**” is defined as “... 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.” 17 U.S.C. sec. 101.

**Published works:** If you determine that your work is published, give the complete date and nation of first publication in Space 3b of the application. For a revised version, the publication date should be the date the revised version was first published, not the date the original version first appeared online. For registration purposes, give a single nation of first publication, which may be the nation from which the work is uploaded.

**NOTE:** If the same work is published both online and by the distribution of physical copies and these events occur on different dates, the publication date should refer to whichever occurred first. For what to deposit in this case, see the “**Exception**” below.

**Unpublished works:** If you determine that your work is unpublished, leave Space 3b blank. Do **NOT** write “Internet,” “homepage,” or any other term in this space.

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## THE DEPOSIT

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### All works transmitted online *excluding* computer programs, databases, and works fixed in CD-ROM format:

The deposit regulations of the Copyright Office do not specifically address works transmitted online. Until the regulations are amended, and under the authority granted the Copyright

Office by 37 C.F.R. 202.20(c)(2)(viii), the Office will require the deposit of one of the following:

**Option 1:** a computer disk (clearly labeled with the title and author) containing the entire work **and** in addition, representative portions of the authorship being registered in a format that can be examined by the Office (printout, audiocassette, or videotape). If the work is short (e.g., five pages of text or artwork, or 3 minutes of music, sounds, or audiovisual material), deposit the entire work and confirm that it is complete. If the work is longer, deposit five representative pages or 3 representative minutes. This identifying material should include the title and author, and the copyright notice, if any.

**OR**

**Option 2:** a reproduction of the **entire work**, regardless of length. Send the format appropriate for the authorship being registered, for example, a printout, audio cassette, or videotape. No computer disk is required.

**Exception:** If a work is published **both** online and by the distribution of physical copies in any format, the requirement of the deposit regulations **for the copies** applies, **not** the options for online works given above. For example, if a work is published in the form of hardbound books and is also transmitted online, the deposit requirement is two copies of the hardbound book.

#### **Computer programs, databases, and works fixed in CD-ROM format transmitted online:**

For computer programs, databases, and works fixed in CD-ROM format, the specific provisions of Copyright Office deposit regulations apply to works transmitted online. 37 C.F.R. 202.20(c)(vii) and 202.20(c)(xix). For further information, request Circular 61, "Copyright Registration for Computer Programs," or Circular 65, "Copyright Registration for Automated Databases." For works fixed in CD-ROM format, a complete copy of the CD-ROM package, including any operating software or instruction manual, is required.

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#### **THE FILING FEE\***

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For a single work (Form TX, PA, VA, SR, or SE): **\$30\*** per application

For a group of serials or newsletters (Form SE/GROUP): **\$15\* per issue (\$45\* minimum)**

For a group of updates to a database, covering up to a 3-month period (Form TX): **\$30\*** per application

**\* NOTE: Copyright Office fees are subject to change. For current fees, please check the Copyright Office website at [www.copyright.gov](http://www.copyright.gov), write the Copyright Office, or call (202) 707-3000.**

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#### **FOR FURTHER INFORMATION**

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**Information via the Internet:** Circulars, announcements, regulations, other related materials, and all copyright application forms are available from the Copyright Office website at [www.copyright.gov](http://www.copyright.gov).

**Information by Fax:** Circulars and other information (but not application forms) are available by using a touchtone phone to access Fax-on-Demand at (202) 707-2600.

**Information by telephone:** If you have specific questions about registering a work transmitted online and want to speak with a copyright examiner, please call the Literary Section of the Examining Division at (202) 707-8250. For general information about copyright, call the Public Information Office at (202) 707-3000. The TTY number is (202) 707-6737. Information specialists are on duty in the Public Information Office from 8:30 a.m. to 5:00 p.m., eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day. Or, if you know which application forms and circulars you want, request them from the Forms and Publications Hotline at (202) 707-9100 24 hours a day. Leave a recorded message.

#### **Information by regular mail:**

Library of Congress  
Copyright Office  
Public Information Office, LM-401  
101 Independence Avenue, S.E.  
Washington, D.C. 20559-6000

**Library of Congress • Copyright Office • 101 Independence Avenue, S.E. • Washington, D.C. 20559-6000**  
**[www.copyright.gov](http://www.copyright.gov)**