

Circular 44

Cartoons and Comic Strips

IN GENERAL

The copyright law of the United States (title 17 of the United States Code) provides for copyright protection of literary and artistic works. Copyright protection begins automatically when a work is first created in a fixed form. Cartoons and comic strips are among the types of works of authorship protected by copyright. This protection extends to any copyrightable pictorial or written expression contained in the work. This protection does not extend to the title or general theme for a cartoon or comic strip or to the general idea or name for the characters depicted. Intangible attributes of characters are not copyrightable, but a drawing, picture, or depiction or a written description of a character may be registered for copyright. However, copyright does not extend to the idea for the character itself. A character may be protected under aspects of state, common, or trademark laws. Likewise, titles and names may sometimes be protected under state law doctrines or state and federal trademark laws, but such protection is not provided for in the copyright code. Consult an attorney for details.

COPYRIGHT REGISTRATION

Cartoons and comic strips may be registered in either published or unpublished form. While registration is not a condition of protection for works first published on or after January 1, 1978, or for unpublished works, there are certain advantages, including the establishment of a public record of the copyright claim. See Circular 1, "Copyright Basics," for more details.

The correct application form and deposit for registering a copyright claim depend on the nature of the work and the way in which it is presented. Because a cartoon is generally a work of the visual arts, Form VA is usually appropriate for registration. However, if the textual elements in a comic strip are preponderant, registration should be made on Form TX. To register cartoons or comic strips, send the following three elements to the Copyright Office in the same envelope or package:

1. a completed application
2. a \$30* nonrefundable filing fee payable to the Register of Copyrights and
3. a nonreturnable deposit of the work to be registered

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

DEPOSIT REQUIREMENTS

The deposit requirements for cartoons and comic strips will vary in particular situations. The general requirements are as follows:

- If the work is unpublished, one complete copy.
- If the work was first published in the United States on or after January 1, 1978, two complete copies of the best edition.
- If the work is a contribution to a collective work and first published on or after January 1, 1978, one of the following: one complete copy of the best edition of the entire collective work, the complete section containing the contribution if published in a newspaper, the entire page containing the contribution, the contribution cut from the paper in which it appeared, or a photocopy of the contribution itself as it was published in the collective work. If first published before January 1, 1978, one complete copy of the issue as first published containing the contribution.
- If the work was first published in the United States before January 1, 1978, two complete copies of the work as first published.
- If the work was first published outside the United States, whenever published, one complete copy of the work as first published.

REGISTRATION OF COLLECTIONS AND CONTRIBUTIONS

A single registration may be made for cartoons published as a unit (for example, a comic book), provided that the copyright claimant is the same for all elements in the unit.

Two or more unpublished cartoons or comic strips may be considered for registration as a unit on a single application when submitted with a \$30* nonrefundable filing fee and

a nonreturnable deposit of the work if the following conditions are met:

1. the selections are assembled in an orderly form;
2. the combined selections bear a single title identifying the collection as a whole;
3. the copyright claimant in all the selections and in the collection as a whole is the same; and
4. all the selections are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each of the selections.

Works registered as a collection will be recorded in the records of the Copyright Office only under the collective title. Copyright registration of cartoons and comic strips extends only to copyrightable selections deposited at the time of registration. There is no blanket registration that will cover works to be produced in the future.

A cartoon or comic strip published as a contribution to a collective work (for example, a periodical or newspaper) may be considered for group registration if certain conditions are met. Contact the Copyright Office for information and instructions on group registration for contributions to periodicals.

NOTICE OF COPYRIGHT

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

FOR FURTHER INFORMATION

To speak to an information specialist, call (202) 707-3000 (TTY: (202) 707-6737), Monday through Friday, 8:30 a.m. to 5:00 p.m., eastern time, except federal holidays. Order forms and other publications from:

Library of Congress
Copyright Office
Publications Section, LM-455
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

or call the Forms and Publications Hotline 24 hours a day at (202) 707-9100. Most circulars (but not forms) are available via fax. Call (202) 707-2600 from a touchtone phone and follow prompts. Access and download circulars, forms, and other information from the Copyright Office website at: www.copyright.gov.

EFFECTIVE DATE OF REGISTRATION

A copyright registration is effective on the date the Copyright Office receives all the required elements in acceptable form, regardless of how long it then takes to process the application and mail the certificate of registration. The time the Copyright Office requires to process an application varies, depending on the amount of material the Office is receiving.

If you apply for copyright registration, you will not receive an acknowledgment that your application has been received (the Office receives more than 600,000 applications annually), but you can expect:

- a letter or a telephone call from a Copyright Office staff member if further information is needed or
- a certificate of registration indicating that the work has been registered, or if the application cannot be accepted, a letter explaining why it has been rejected

If you want to know the date that the Copyright Office receives your material, send it by registered or certified mail and request a return receipt.