

On Matters of Copyright
An Informational Bulletin for the Suffolk University Community

prepared by
The University Committee on Copyright Policy
Midge Wilcke, Chairperson

TABLE OF CONTENTS

SECTION ONE: INTRODUCTION	1
SECTION TWO: DEFINITIONS	2
Definition of Copyright	2
What Works are Protected	2
Works Not Protected	2
Who Is Protected by Copyright	3
SECTION THREE: POLICIES	3
Educators and the Fair Use Doctrine	3
Guidelines for Classroom Copying of Books and	4
Guidelines for Educational Uses of Music	6
Off-Air Taping	8
Guidelines for Off-Air Taping	8
Prerecorded Videocassettes Marked "Home Use Only"	9
Duplication of Audio and Videocassettes by UMS	9
Protection of Computer Programs	10
Responsibilities of Software Users	10
Library Policy	11

SECTION FOUR: UNIVERSITY-ASSISTED CREATED WORKS	11
Sponsored Work	11
University-Assisted Work	12
SECTION FIVE: COPYRIGHT REGISTRATION	12
Securing a Copyright	12
Benefits of Publication	12
Length of Copyright Protection	14
Advantages of Registration	14
How to Register	14
Who May File an Application	15
Effective Date of Registration	16
Postscript: Copyright and the Learned Journals	16

SECTION ONE: INTRODUCTION

In recent years, Suffolk University has sought to demonstrate in more visible and tangible ways its commitment to faculty research activities. Research committees have been activated or re-activated, teaching schedules have been altered or reduced, budgets have been established to support travel for scholarly purposes, reduced-time grants have become standard, and the latest technology and networking services have been introduced--all with one purpose: to eliminate or overcome impediments to research. Progress, however, seems always to engender difficulties, for with the advent of the photocopier, then of the audio and video recorders, and now of the computer, the ability to replicate material for classroom and individual scholarly use has become so easy that the process has the potential to involve faculty, and the university itself, in illegal activities, unintentional or intentional. Faculty who are not aware of the copyright law may inadvertently stray into infringement of copyright as they seek materials to make their courses stimulating, current, and relevant. More wary faculty might appreciate guidance and detailed explanations of the law regarding reproduction of copyrighted material. Finally, professors who have contemplated exchanging computer programs and reproducing purchased materials with genial abandon in the heady first days of the computer's presence in college departments have begun to realize that the subject of copyright protection poses not merely a legal problem for those unlucky enough to be found out, but preeminently a moral problem for those who profess to uphold and disseminate the values of a university. A computer program which took years to develop and to perfect can be copied in an instant with a few touches of the keyboard, and the temptation to do so is, naturally, great.

Within this context, Suffolk University finds itself beset by legal and moral dilemmas. Not wanting to hinder research activities by act or intimation, the university can nevertheless not allow itself to aid or encourage illegal acts, nor should any institution which professes to uphold the moral verities be seen to encourage questionable activities.

Therefore, this bulletin has been prepared to accomplish the following objectives: to explain the purpose and operation of the copyright law as it pertains to the activities of the University community, to offer help to those seeking copyright releases, and finally, to present the university's position on faculty projects (involving university resources, time, and personnel) which were created for profit and which may be submitted to the Copyright Office by faculty. This bulletin will try to accomplish the task of safeguarding all parties while continuing to encourage research by members of Suffolk University. Persons who adhere to these guidelines, and who apply to university counsel (through proper channels) for clarification when in doubt, will be indemnified by Suffolk University in the event of litigation. Any person who violates the guidelines will not be indemnified in the event of litigation.

SECTION TWO: DEFINITIONS

COPYRIGHT: PURPOSE AND OPERATION

Definition

Copyright is a form of protection authorized by the United States Constitution, Article I, Section 8, Clause 8, and provided under Title 7 of the United States Code. It is also provided to U.S. national by the laws of the member states of the Universal Copyright Convention and of the Berne Union. The protection extends to "original works of authorship fixed in any tangible medium of expression...." as explained below. Copyright is thus a means, both of protecting authorship of original created works in fixed form, and of ensuring compensation to the authors for their efforts. Note that works protected by copyright in the United States are generally given automatic protection in most foreign countries.

What Works Are Protected

The United States Copyright Office, explaining the provisions of Title 17, states that copyright protection exists for "original works of authorship" when they become fixed in a tangible form of expression, specifically, a copy or phonorecord. The fixation does not need to be directly perceptible, so long as it may be communicated with the aid of a machine or device. Copyrightable works include the following categories, which are illustrative and not exhaustive, and should be viewed quite broadly (so that, for example, computer programs and most "compilations" are registrable as "literary works"):

1. literary works;
2. musical works, including any accompanying words;
3. dramatic works, including any accompanying music;
4. pantomimes and choreographic works;
5. pictorial, graphic, and sculptural works;
6. motion pictures and other audiovisual works;
7. sound recordings and
8. architectural works.

What Works Are Not Protected

Several categories of materials are generally not eligible for statutory copyright protection. These include, among others:

1. Works that have not been fixed in a tangible form of expression.

2. Titles, names, short phrases and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listing of ingredients or contents.
3. Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration.
4. Works consisting entirely of information that is common property and containing no original authorship.

Who Is Protected by Copyright

No publication or registration or any other action in the Copy-right Office is required to secure copyright under the present law. Under the present law, copyright is secured automatically when the work is created, and a work is "created" when it is fixed in a copy or phonorecord for the first time. In general, "copies" are material objects from which a work can be read or visually perceived either directly or with the aid of a machine or device, such as books, manuscripts, sheet music, film, videotape, or micro-film. "Phonorecords" are material objects embodying fixations of sounds (excluding, by statutory definition, motion picture soundtracks), such as audiotapes and phonograph disks. Though no longer the key to obtaining statutory copyright, publication remains important to copyright owners. Similarly, though no longer required, there are certain definite advantages to registration.

SECTION THREE: POLICIES

Educators And The Fair Use Doctrine

Section 107 of Title 17, USC, is of special interest to faculty members and others who wish to use copyrighted material without infringing on copyright. One should note, however, that the Copy-right Office, in a separate communication, offers a strong caution to those about to read the section, and especially the guidelines. "The distinction between 'fair use' and infringement may be unclear and not easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission." The text of Section 107, "Limitations on Exclusive Rights: Fair Use," follows.

Notwithstanding the provisions of Section 106 [describing the rights of the owner of copyright], the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. [Emphasis added.] In

determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

For the application of Section 107 to copying books and periodicals, but not to musical and audiovisual works, the following addendum is significant. "The [House and Senate] conferees accept as part of their understanding of fair use the Guidelines for Classroom Copying in Not-for-Profit Educational Institutions with respect to books and periodicals..." (In accepting another set of guidelines for Section 108, the conference committee noted in that case "that the guidelines are not intended as, and cannot be considered, explicit rules or directions governing any and all cases, now or in the future. It is recognized that their purpose is to provide guidance in the most commonly-encountered...situations, that they are not meant to be limiting or determinative in themselves or with respect to other situations, and that they deal with an evolving situation that will undoubtedly require their continuous reevaluation and adjustment.")

AGREEMENT ON GUIDELINES FOR CLASSROOM COPYING IN NOT-FOR-PROFIT EDUCATIONAL INSTITUTIONS WITH RESPECT TO BOOKS AND PERIODICALS

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107... The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Reform Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

Guidelines

I. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his/her individual request for his/her scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book;
- B. An article from a periodical or newspaper;
- C. A short story, short essay, or short poem, whether or not from a collective work;
- D. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper;

II. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

- A. The copying meets the test of brevity and spontaneity as defined below; and,
- B. Meets the cumulative effect test as defined below; and,
- C. Each copy includes a notice of copyright.

Definitions

Brevity

1. Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.
2. Prose: (a) Either a complete article, story, or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words. {Each of the numerical limits stated in "1" and "2" above may be expanded to permit the completion of the unfinished line of a poem or of an unfinished prose paragraph.}
3. Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
4. "Special" Works: certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "2" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

Spontaneity

1. The copying is at the instance and inspiration of the individual teacher, and

2. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

1. The copying of the material is for only one course in the school in which the copies are made.
2. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
3. There shall not be more than nine instances of such multiple copying for one course during one class term. {The limitations stated in "2" and "3" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.}

III. Prohibitions as to I and II Above

Notwithstanding any of the above, the following shall be prohibited:

- A) Copying shall not be used to create or to replace or sub-stitute for anthologies, compilations or collective works. Such replacements or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- B) There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
- C) Copying shall not (a) substitute for the purchase of books, publishers' reprints or periodicals; (b) be directed by higher authority; (c) be repeated with respect to the same item by the same teacher from term to term.
- D) No charge shall be made to the student beyond the actual cost of the photocopying.

Guidelines For Educational Uses Of Music

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107... The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future, and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107...

A. Permissible Uses

1. Emergency copying to replace purchased copies of sound recordings which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.
2. For academic purposes other than for performance, single or multiple copies of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per pupil.
3. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
5. A single copy of a sound recording (such as a record, tape, or disc) copyrighted music may be made from a sound recording owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

B. Prohibitions

1. Copying to create or replace or substitute for anthologies, compilations or collective works.
2. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.
3. Copying for the purpose of performance, except as in A(1) above.
4. Copying for the purpose of substituting for the purchase of music, except as in A(1) and A(2) above.

5. Copying without inclusion of the copyright notice which appears on the printed copy.

Off-Air Taping

The problem of off-air taping for nonprofit classroom use of copyrighted audiovisual works incorporated in radio and television broadcasts proved so difficult as to necessitate in 1979 the formation of a special committee of representatives of interested parties. In 1981, the committee produced the following agreement which, in the opinion of Assistant Registrar of Copyrights, Anthony Harrison, "does not have the force of law; it is more of a gentleman's agreement." It should be noted that not all of the organizations taking part in the negotiations endorsed the resulting guidelines. Off-air taping at Suffolk University is done in accordance with the 1979 off-air taping guidelines.

Guidelines For Off-Air Taping

1. The guidelines were developed to apply only to off-air recording by non-profit educational institutions.
2. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable re-transmissions) and retained by a non-profit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast Programs" are television programs transmitted by television stations for reception by the general public without charge.
3. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in class-rooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) consecutive school days in the forty-five (45) day calendar day retention period.
4. Off-Air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
5. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.

6. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.
7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
8. All copies of off-air recordings must include the copyright notice on the broadcast programs as recorded.
9. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

Prerecorded Videocassettes Marked "Home Use Only"

The Motion Picture Association of America clearly states that according to the Copyright Law, Section 110(1), prerecorded video cassettes marked "Home Use Only" can be used in a non-profit educational institution as part of "face-to-face teaching activities." The use of these videocassettes must be part of an instructional program and in no way constitute recreation or entertainment. The MPAA assumes in their understanding of the usage of these tapes that the videocassettes have been legally purchased or rented from authorized vendors. The MPAA also assumes that these tapes will not be duplicated, in any fashion, even for archival purposes.

Duplication Of Audio And Videocassettes By University Media Services

UMS will not duplicate any audio or videocassette which is marked with the copyright notice or in any way gives the indication that it is copyrighted material. In the best interests of the University we retain the right to refuse any duplication request which would appear to violate the spirit of the Copyright Law. This includes duplication of any videocassette for the purpose of changing from one video format to another format.

Protection Of Computer Programs And Semiconductor Chip Products

Semiconductor chip products, in which a "mask work" or series of related images is fixed or encoded, are eligible for protection by copyright.

A computer program ("a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result") is protected by Title 17, with the following two exceptions. It is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program, provided:

1. That such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine (i.e., when the program is loaded into the computer's memory in order to operate the program), or
2. That such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

RESPONSIBILITIES OF USERS OF COMPUTER SOFTWARE
(BASED UPON THE POLICY STATEMENT OF THE INTERNATIONAL COUNCIL FOR
COMPUTERS IN EDUCATION ON NETWORK AND MULTIPLE MACHINE SOFTWARE)

There should be shared responsibility for resolution of the problems inherent in providing and securing good educational software. Educators have a valid need for quality software and reasonable prices. Software authors, developers, and vendors are entitled to a fair return on their investment.

Responsibilities of Users Belonging to the Suffolk University Community

Faculty and other users of software under Suffolk University auspices or on university equipment need to face the legal and ethical issues involved in copyright laws and publisher licenses agreements and must accept the responsibility for enforcing adherence to these laws and agreements. Budget constraints do not excuse illegal use of software. Users of Suffolk University equipment are responsible for taking all reasonable precautions to prevent copying or the use of unauthorized copies on university equipment. Illegal copies of copyrighted programs may not be made or used on university equipment. The legal or insurance protection of Suffolk University will not be extended to employees who violate the copyright law.

Library Policy

With regard to copying of material in and by the library, Suffolk University adheres to Title 17, U.S. Code. Please refer to the respective directors of the Suffolk library system for specific details. All copying machines in the libraries have the following warning label: "The Copyright Law of the United States (Title 17 U.S. Code) governs the making of photo

copies of copyrighted material. The person using this equipment is liable for any infringement."

SECTION FOUR: UNIVERSITY-ASSISTED CREATED WORKS

There is a wide range of copyrightable works created within the university community. While the traditional policy of encouraging faculty research by providing gratis, the usual support services for these endeavors remains intact, it is necessary to define a policy for the production of created works which utilize the university's technological resources. The following policy statement is intended to establish guidelines for copyright ownership and, where appropriate, guidelines for the sharing of revenues generated by jointly owned works.

A work may be created under a variety of circumstances. These circumstances include: individual work, sponsored work and university-assisted work. What follows is a description of these categories and the copyright implications.

Individual Work

An individual work is a copyrightable work created by an individual or group, such as publications resulting from scholarly research. Copyright ownership of individual work is the property of the author or authors. When necessary, it is the responsibility of the author to register the copyright.

Sponsored Work

A created work may be produced as part of a sponsored project, either a grant or a contract. In this case, copyright ownership is determined by the terms of the grant or contract.

University-Assisted Work

A university-assisted work is an individual or group project which is created using significant university resources including, but not limited to, library data searches, University Media Services' equipment, materials or services, or data processing services. It should be noted that the routine use of office space, office supplies, or secretarial services does not constitute significant use. University-assisted work could include computer software or media software in the form of slides, multi-image production, or audio or videotape. The copyright on university-assisted work will be held by the originator. (In addition, if a work utilizes in excess of five hundred dollars of university resources and generates in excess of five hundred dollars of revenue, the originator is expected to share the revenue in excess of five hundred dollars with the university as follows:

Originator	60%
Suffolk University	40%

In those instances where the revenue exceeds five hundred dollars, the university and the originator will enter into any written agreement deemed necessary. It is the obligation of the originator of the work to compensate the university in accordance with the university's copyright policy.)

SECTION FIVE: SECURING A COPYRIGHT BY REGISTRATION

Securing a Copyright

No publication or registration or any other action in the Copyright Office is required to secure copyright under the present law. Copyright is secured automatically when the work is created, and a work is "created" when it is fixed in a copy or phonorecord, for the first time. There are, however, certain definite advantages to registration (and publication), as indicated below.

Publication

"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 further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication." Any form of dissemination in which the material object does not change hands, for example, performances or displays on television, is not a publication no matter how many people are exposed to the work. However, when copies or phonorecords are offered for sale or lease to a group of wholesalers, broadcasters, or motion picture theaters, publication does take place if the purpose is further distribution, public performance, or public display.

Publication, though no longer the key to obtaining statutory copyright, is an important concept in the copyright law because upon publication, several significant consequences follow:

- A. Works that are published United States are subject to mandatory deposit with the Library of Congress.

- B. Publication of a work can affect the limitations on the exclusive rights of the copyright owner.
- C. The year of publication is used in determining the duration of copyright protection for anonymous and pseudonymous works (when the author's identity is not revealed in the records of the Copyright Office) and for works made for hire.
- D. Deposit requirements for registration of published works differ from those for registration of unpublished works.

When a work is published under the authority of the copyright owner, it is advisable to place a notice of copyright on all publicly distributed copies. The effect of the notice is to caution users of the copyrighted nature of the work. It will also preclude an infringer from mitigating his damages by claiming innocent infringement. The use of the copyright notice is the responsibility of the copyright owner and does not require advance permission from the Copyright Office. The notice for visually perceptible copies should contain all of the following three elements:

1. The symbol (the letter C in a circle), or the word "Copyright", or the abbreviation "Copr."
2. The year of first publication of the work. In the case of compilations or derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient.
3. The name of the owner of copyright in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner. Example: Copyright 1982 John Doe

(The "C in a circle" notice is recommended only on visually perceptible copies. Certain kinds of work, for example, musical, dramatic, and literary works, may be fixed not in "copies" but by means of sound in an audio recording. The copyright notice for sound recordings has somewhat different requirements.)

The notice should be affixed to copies or phonorecords of the work in such a manner and location as to give reasonable notice of the claim of copyright.

Length of Copyright Protection

A work that is created on or after January 1, 1978, is automatically protected from the moment of its creation...enduring for the author's life, plus an additional 50 years after

the author's death (for joint works, after the last surviving author's death). For anonymous and pseudonymous works (unless the author's identity is revealed in the Copyright Office), the duration of copyright shall be 75 years from publication or 100 years from creation, whichever is shorter. (This includes works that had been created before the present law came into effect, but which had neither been published nor registered for copyright before January 1, 1978.) Works copyrighted before January 1, 1978, are eligible for a total term of protection of 75 years.

Copyright Registration

Among the advantages of registration are the following:

1. Registration establishes a public record of the copyright claim;
2. Registration is ordinarily necessary before any infringement suits may be filed in court;
3. If made before or within 5 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; and
4. If registration is made within 3 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.

How to Register

To register a work, send the following three elements in the same envelope or package to the Register of Copyrights, Copyright Office, Library of Congress, Washington, DC 20559. If the three elements are not received in the same package, the application will not be processed.

1. A properly completed application form. The forms for original registration are as follows: Form TX (for published and unpublished nondramatic literary works), Form SE (for serials, works issued or intended to be issued in successive parts bearing numerical or chronological designations and intended to be continued indefinitely, such as periodicals, newspapers, magazines, annuals, journals, etc.), Form PA (for published and unpublished works of the dramatic arts, such as musical and dramatic works, pantomimes and choreographic works, motion pictures and other audiovisual works), Form VA (for published and unpublished works of the visual arts), and Form SR (for published and unpublished sound recordings). Forms are also available for corrections and amplifications, for renewal registration, and for special purposes. Applicants who know what application forms they need may call the HOTLINE number to request the forms: (202)707-9100. Persons needing assistance may call during business hours weekdays: (202)707-3000.

2. A nonreturnable filing fee (please inquire for current fee at time of registration) for each application, in the form of a money order, check or bank draft payable to the Register of Copyrights.
3. A deposit of the work being registered. The deposit requirements vary in particular situations. Failure to make the deposit within three months of publication in the United States can result in fines and other penalties, but does not affect copyright protection. If you are unsure of the proper deposit required for your work, write to the Copyright Office for that information and describe the work you wish to register. The general deposit requirements are as follows:
 - A) If the work is unpublished, one complete copy or phonorecord. If the work was first published in the United States after January 1, 1978, two complete copies or phonorecords of the best edition.
 - B) If the work was first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.
 - C) If the work was first published outside the United States, whenever published, one complete copy or phonorecord of the work as first published.
 - D) If the work is a contribution to a collective work, and published after January 1, 1978, one complete copy or phonorecord of the best edition of the collective work.

(Note that a Library of Congress Catalog Card Number is different from a copyright registration number. A book may be registered in or deposited with the Copyright Office but not necessarily cataloged and added to the Library's collections. For more information about obtaining an LC Catalog Card Number, contact the Cataloging in Publication Division, Library of Congress, Washington, DC 20540.)

Who May File an Application

The author: the person who actually created the work, or, if the work was made for hire, the employer or other person for whom the work was prepared.

The copyright claimant: either the author or a person or an organization that has obtained ownership of all the rights under the copyright initially belonging to the author.

[IMPORTANT: SEE SECTION BELOW ENTITLED COPYRIGHT AND THE LEARNED JOURNALS.]

The owner of exclusive right(s): under the new law, any of the exclusive rights that go to make up a copyright and any subdivision of them can be transferred and owned separately. [IMPORTANT: SEE SECTION BELOW ENTITLED COPYRIGHT AND THE LEARNED JOURNALS.]

The duly authorized agent of such author, other copyright claimant, or owner of exclusive right(s).

Effective Date of Registration

A copyright registration is effective on the date of receipt in the Copyright Office of all the required elements in acceptable form, regardless of the length of time it takes thereafter to process the application and mail the certificate of registration. If you want to know when the Copyright Office receives your material, send it via registered or certified mail and request a return receipt.

Postscript for Suffolk University Authors: Copyright and the Learned Journals

According to the Copyright Act, the author of an article may retain the copyright to an article accepted for publication. The entire journal and all the articles contained therein are separately protected. Editors of journals know that two copyrights exist: one protecting the article and a second one protecting the journal and all its articles. Nevertheless, the journal may demand the transfer of copyright as a condition of publishing the article. Authors should (1) decide whether the benefits of publishing in that journal outweigh the benefits of retaining the rights to the article, and (2) read the contract carefully, to see what other rights and conditions are to be found in the fine print.