

## ARTICLE

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### Registration of Copyrights in the USA



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#### *General information about copyright in the USA*

The grounds to register copyright are highlighted in our previous [article](#), and how to register copyright in Kazakhstan can be reviewed at the following [link](#). Further we will show how to do it in the USA.

Despite the fact that the copyright to work arises due to the fact of its creation and for the origin and implementation of copyright it is not required to comply with any formalities, in the United States, registration of the copyright is obligatory in the case of a litigation related to infringement of copyright or related rights. The items of copyright are regularly recorded in the United States.

Copyright in the United States is registered with the United States Copyright Office.

Items of copyright are:

- Literary works (fiction, non-fiction, poetry, articles and periodicals);
- scenic arts (music, lyrics, audio recordings, scripts and productions);
- works of fine art (graphic works, illustrations, sculptural works and architectural constructions);
- digital content (computer programs, databases, blogs and websites);
- cinematography (films, serials, video games, animation and video);

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- photographic images (photo reports, selfies, wedding photos and family photos).

An application for copyright registration can be submitted by the author himself, his successor, the right owner (by whose order or commission the work was created), or their representative. It should be noted that the author can be only an individual, and the copyright holder can be both an individual and a legal entity.

### ***Term of registration/protection of copyright in the United States***

The electronic application for the registration of copyright is considered from 6 to 10 months. The fee ranges from \$ 35 to 140 US dollars.

The term of protection of property rights is granted for the entire life of the author and 70 years after his death. For copyright objects created under a pseudonym or by order - 95 years from the date of the first publication, but not more than 120 years from the date of creation.

### ***The basic data required to complete the registration form (application) for the registration of copyright in the USA:***

- data related to the author (residence, citizenship);
- the name of the work;
- a copy of the work in electronic form;
- if there are several authors, information about the contribution of each to the creation of the work;
- data related to the representative (for example, information about a lawyer or patent attorney), if such is appointed;
- address for correspondence and sending a certificate of registration.

### ***Among the advantages related to the registration of copyright, we can distinguish the following::***

- the fact of registration confirms that the object specified in the certificate is protected as an object of copyright;
- the identity of the author of the work is indicated and this author (authors) is considered the author until the contrary is established by the court;
- the date of creation of the work is established;
- indicates who owns the property rights for the work;
- a copyright claim in the US court can be filed only on the grounds of a copyrighted work registered in the United States;

- US copyright registration entitles to claim compensation in the amount set out in the US Act, including legal costs. Without registration, compensation is limited to actually proven losses.

Most copyright laws say that the copyright owner has a property right, the right to allow or restrict certain use of the work, to receive remuneration for the use of the results of his work.

Property rights owner to work may prohibit or entitle:

- its reproduction in various forms, such as printed matter or sound recording;
- its public performance, for example, in the form of a play or a musical work;
- its recording, for example, in the form of CDs or DVDs;
- its broadcast, radio, cable or satellite;
- its translation into other languages; and
- its processing, for example, reworking the novel in a script for the film.

Examples of universally recognized non-property rights are the right to claim the authorship of the work and the right to object to making changes to the work that could damage the author's reputation.

[Julia Zavalko - December, 2017](#)