

Copyright and Trademark

Tips and Resources for Paralegals

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www.copyright.gov your portal to all things copyright

The screenshot shows the Copyright.gov website interface. At the top is a navigation bar with the logo and links for 'About Us', 'News', 'Law and Guidance', 'Policy Issues', and 'Contact Us'. A search box is located on the right. Below the navigation bar are three main content areas: 'Register' (with a keyboard image and 'Register a Copyright' text), 'Record' (with a document image and 'Record a Document' text), and 'Research' (with a seal image and 'Research and Certification' text). A dropdown menu is open under 'Policy Issues', listing 'Policy Studies', 'Legislative Developments', 'Congressional Hearings', 'International Issues', and 'Register's Speeches'. Below these are three columns of resources: 'RESOURCES' (including 'Search Copyright Records', 'DMCA Designated Agent Directory', 'Virtual Card Catalog', and 'Schedule of Fees'), 'EDUCATION' (including 'Fair Use Index', 'Frequently Asked Questions', 'History and Education', and 'Copyright Events'), and 'Copyright Quick Links' (including 'Copyright Modernization', 'Copyright Law of the U.S.', 'Code of Federal Regulations', 'Compendium of U.S. Copyright Office Practices', and 'Copyright Office Calendar').

Copyright.gov About Us News Law and Guidance Policy Issues Contact Us Search

Register
Register a Copyright

Record
Record a Document

Research
Research and Certification

Policy Studies
Legislative Developments
Congressional Hearings
International Issues
Register's Speeches

RESOURCES

Search Copyright Records
Search the Copyright Public Records Catalog online. 1978 to present.

DMCA Designated Agent Directory
Service Provider Designation of Agent

Virtual Card Catalog
Proof of Concept

Schedule of Fees
copyright.gov/# for Registration, Recordation, and Other services

EDUCATION

Fair Use Index
A searchable database of court opinions to make the principles and applications of fair use more accessible and understandable

Frequently Asked Questions
Answers to common questions about copyright

History and Education
Learn about copyright history and search historical documents and publications

Copyright Events

Copyright Quick Links

Copyright Modernization
Modernization efforts across the entire Office

Copyright Law of the U.S.
Title 17 of the U.S. Code

Code of Federal Regulations
Title 37, Chapter II

Compendium of U.S. Copyright Office Practices
Third Edition

Copyright Office Calendar

Start with the FAQs

<https://www.copyright.gov/help/faq/index.html>



The screenshot shows the top navigation bar of the Copyright.gov website with links for 'About Us', 'News', 'Law and Guidance', 'Policy Issues', and 'Contact Us'. Below the navigation bar is a breadcrumb trail 'Home / FAQ's' and a main heading 'Frequently Asked Questions about Copyright'. The page is divided into two sections: 'Copyright in General' and 'Definitions'. The 'Copyright in General' section lists eight questions, and the 'Definitions' section lists five questions. A vertical scrollbar is visible on the right side of the page.

Copyright.gov About Us News Law and Guidance Policy Issues Contact Us

Home / FAQ's

Frequently Asked Questions about Copyright

Copyright in General

- What is copyright?
- What does copyright protect?
- How is a copyright different from a patent or a trademark?
- When is my work protected?
- Do I have to register with your office to be protected?
- Why should I register my work if copyright protection is automatic?
- I've heard about a "poor man's copyright." What is it?
- Is my copyright good in other countries?

Definitions

- Who is an author?
- What is a deposit?
- What is publication?
- What is a copyright notice? How do I put a copyright notice on my work?
- What is copyright infringement?
- What is peer-to-peer (P2P) networking?

Some FAQ Topics

Copyright in General

Definitions

What Does Copyright Protect?

Who Can Register?

Registering a Work

Which Form Should I Use?

I've Submitted My Application, Fee and Copy of My Work to the Copyright Office. Now What?

Who's Job?

Topic	Attorney	Paralegal
Copyright in General 17 U.S.C. § 101 <i>et seq.</i>	X	
Definitions 17 U.S.C. § 101	X	
What Does Copyright Protect? 17 U.S.C. § 102	X	
Who Can Register? 17 U.S.C. § 201	X	
Registering a Work 17 U.S.C. § 409 and Compendium		X
Which Form Should I Use? https://www.copyright.gov/registration/ and Circulars https://www.copyright.gov/circs/		X
Now What? see https://www.copyright.gov/eco/faq.html regarding status checks		X

eCO

[https://eco.copyright.gov/eService_enu/start.swe
?SWECmd=Start&SWEHo=eco.copyright.gov](https://eco.copyright.gov/eService_enu/start.swe?SWECmd=Start&SWEHo=eco.copyright.gov)



Electronic Copyright Office (eCO)
United States Copyright Office
Library of Congress

User Login

If you are a registered user, please login here.

User ID: *

mtuchman

Password: *

.....

Login

[Forgot Your Password or User Id ? / Reset Your Password ?](#)

[If you are a new user, click here to register.](#)

Welcome to the Electronic Copyright Office (eCO)

You may now use this website to:

- * Register your work
- * Preregister your work if you [fulfill the requirements](#).
- * Submit electronic works to comply with a Notice for Mandatory Deposit

NOTE: *The eCO System has been confirmed for use with the Firefox browser on the Microsoft Windows 7 Operating system. Other browsers such as Internet Explorer, Chrome, Safari and Netscape (as well as out-of-date browsers) may work but potentially could show less than optimal behavior when used with the eCO System.*

To view and print documents you will need the Adobe Acrobat Reader installed on your system . [\(click here to download\)](#).

Completing an Application

eCO is not user friendly.

The C.O. knows this and is working to improve it.

Mandatory Application Elements

Application Form: see <https://www.copyright.gov/eco/faq.html>

Deposit (e.g., specimen, sample, etc.) (electronic upload
or physical delivery)

HINT: consider a courier for hard copy deposits

Fee (Circular 4: <https://www.copyright.gov/circs/circ04.pdf>)

Your Friends at the Copyright Office

Public Information Office

copyrightinfo@loc.gov

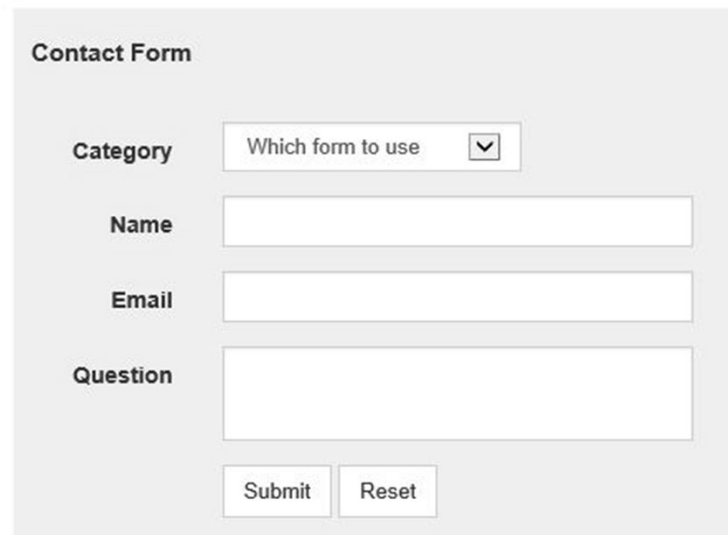
202-707-6665; fax: 202-252-2041

Build and maintain your personal C.O. contact list.

Contact Form

Alternative Mode for Addressing Questions

Contact Form at <https://www.copyright.gov/help/index.html>



Contact Form

Category

Name

Email

Question

Hint: Using the Contact Form

Include in your question a reference to a particular section of the law or the Compendium to orient the recipient (and yourself) to the issue at hand. Use the language of your reference source.

Questions

Discussion

Is this helpful so far?

Completing an Application

Essential Reference

Compendium of U.S. Copyright Office Practices

<https://www.copyright.gov/comp3/>

Think like a registration specialist (fka an examiner)

Use the Compendium as you would the TMEP

Compendium

Chapters

Introduction:

Intro to the Compendium

Chapter 100:

U.S. Copyright Office and the Copyright Law:
General Background

Chapter 200:

Overview of the Registration Process

Chapter 300:

Copyrightable Authorship: What Can Be
Registered

Chapter 400:

Who May File an Application

Chapter 500:

Identifying the Work(s) Covered by a
Registration

Chapter 600:

Examination Practices

Chapter 700:

Literary Works

Chapter 800:

Works of the Performing Arts

Chapter 900:

Visual Art Works

Chapter 1000:

Websites and Website Content

Chapter 1100:

Registration for Multiple Works

Chapter 1200:

Mask Works

Chapter 1300:

Vessel Designs

Chapter 1400:

Applications and Filing Fees

Chapter 1500:

Deposits

Chapter 1600:

Preregistration

Chapter 1700:

Administrative Appeals

Chapter 1800:

Post-Registration Procedures

Chapter 1900:

Publication

Chapter 2000:

Foreign Works: Eligibility and GATT Registration

Chapter 2100:

Renewal Registration

Chapter 2200:

Notice of Copyright

Chapter 2300:

Recordation

Chapter 2400:

U.S. Copyright Office Services

Compendium

This is the way the Copyright Office registration specialist evaluates your client's claim of copyright.

You should adopt this perspective.

Uncertain? Remember Your Friends at the Copyright Office and the Contact Form.

Other Online Services

Document Recordation

Under the Copyright Act, the U.S. Copyright Office accepts certain types of documents for filing and indexing into the Office's public records. There are three primary types of documents that may be submitted for recordation:



Transfers of Copyright Ownership

A transfer of copyright ownership is "an assignment, mortgage, exclusive license, or any other conveyance, alienation, or hypothecation of a copyright or of any of the exclusive rights comprised in a copyright, whether or not it is limited in time or place of effect, but not including a nonexclusive license." 17 U.S.C. § 101.

Other Documents Pertaining to a Copyright

A document pertaining to a copyright is one that "has a direct or indirect relationship to the existence, scope, duration, or identification of a copyright, or to the ownership, division, allocation, licensing, or exercise of rights under a copyright. That relationship may be past, present, future, or potential." 37 C.F.R. § 201.4(c)(2).



Notices of Termination

A notice of termination is a notice that terminates a grant to a third party of a copyright in a work or any rights under a copyright. Only certain grants may be terminated, and only in certain circumstances. Termination is governed by three separate provisions of the Copyright Act, with the relevant one depending on a number of factors, including when the grant was made, who executed it, and when copyright was originally secured for the work. See 17 U.S.C. §§ 203, 304(c), 304(d).

Other Online Services

Records Research and Certification Services

About Us

The U.S. Copyright Office's Records Research and Certification Section (RRCS) provides copies of completed and in-process registration records (applications, certificates of registration, and related correspondence), completed and in-process recordation records (recorded documents, certificates of recordation, and related correspondence), search reports, and registration deposit materials. Completed registration and recordation records, and search reports are available to any member of the public upon request. Requests for copies of deposit materials or for in-process applications for registration and recordation require additional documentation. Anyone who is deemed not authorized to obtain a copy of deposit materials may, in the alternative, inspect the deposit materials.

Records, search reports and deposit materials in the Office's custody may be certified, and are provided on a routine or expedited basis, depending on the needs of the requesting party. Copying, search and certification services require payment of applicable fees. RRCS is now accepting payments for services via [pay.gov](https://www.pay.gov).

Services

Certificates of Registration	Copies of Phonorecords	Certificates of Recordation
Copies of Applications	Correspondence	Inspections
Copies of Deposits	Recorded Documents	Search Reports

One Tricky Question

When is a work published?

An applicant must declare whether the work to be registered has been published.
This should be straightforward, but often it is not.

It's an important question. The availability of statutory damages may depend on
your response.

“Publication,” defined at 17 U.S.C. § 101, expressly excludes “display of a work.”
Does display on the Internet constitute publication?

Courts have disagreed.

See Compendium § 1008.3(B) for current guidance.

Another Tricky Question

When does a work enter the public domain?

It is partly—not wholly—a mathematical question.

When its term of registration expires, of course. See, 17 U.S.C. §§ 302-304.

Other events—or nonevents—may also trigger dedication to the public domain.

See, for instance, this recent Copyright Office announcement:

<https://blogs.loc.gov/copyright/2019/01/publicdomain/?loclr=eacop>

There was a lot of press about this in January. Read it cautiously. Some of it appeared to be erroneous.

Questions

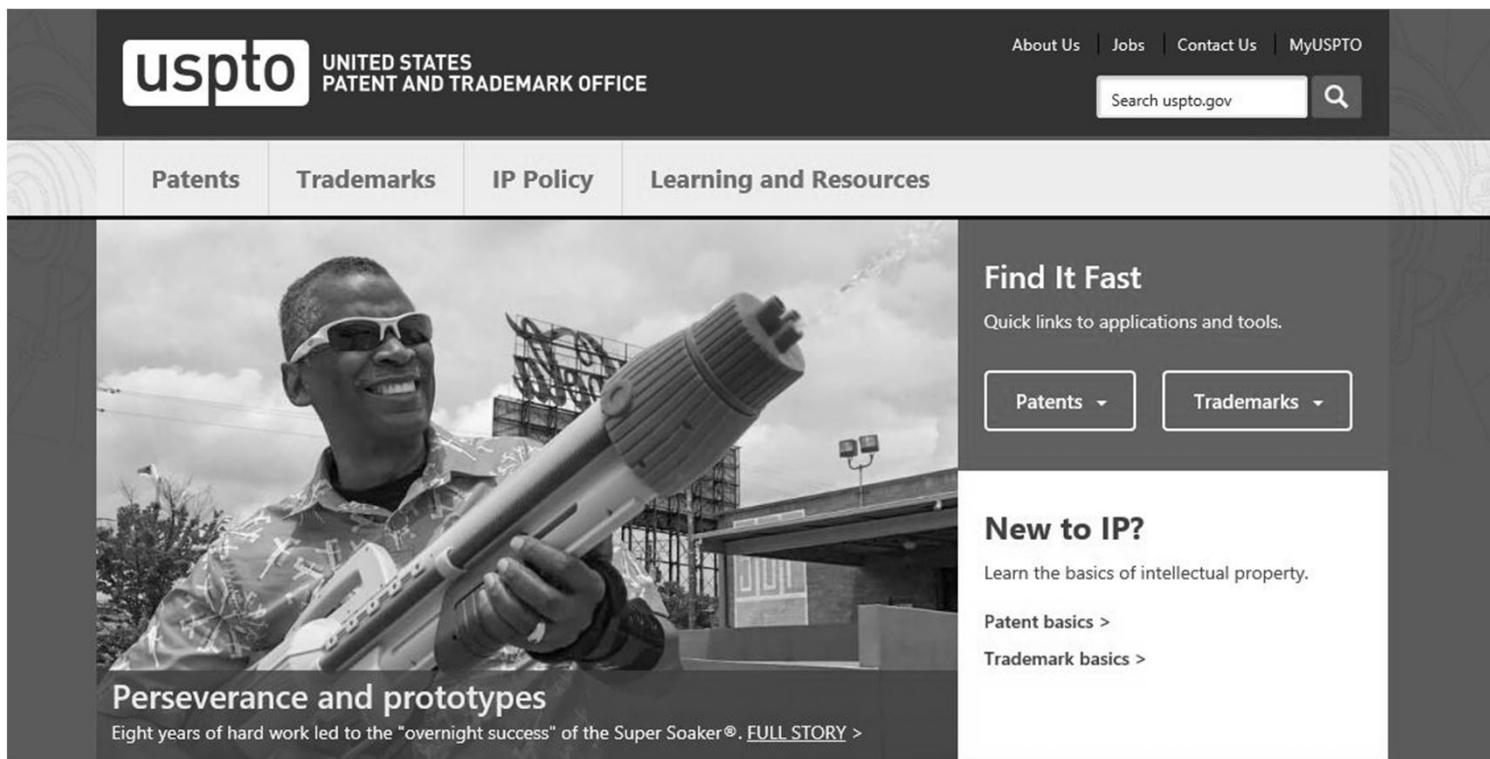
Discussion

Is this helpful so far?

Switching Gears

Trademarks

www.uspto.gov your portal to all things trademark



The image shows a screenshot of the USPTO website homepage. At the top left is the USPTO logo with the text "UNITED STATES PATENT AND TRADEMARK OFFICE". To the right are navigation links for "About Us", "Jobs", "Contact Us", and "MyUSPTO". A search bar is located on the right side of the header. Below the header is a navigation menu with four items: "Patents", "Trademarks", "IP Policy", and "Learning and Resources". The main content area features a large image of a man holding a Super Soaker water gun. Below the image is the text "Perseverance and prototypes" and "Eight years of hard work led to the 'overnight success' of the Super Soaker®. [FULL STORY >](#)". To the right of the image is a "Find It Fast" section with the text "Quick links to applications and tools." and two buttons: "Patents" and "Trademarks". Below this is a "New to IP?" section with the text "Learn the basics of intellectual property." and two links: "Patent basics >" and "Trademark basics >".

uspto UNITED STATES PATENT AND TRADEMARK OFFICE

About Us | Jobs | Contact Us | MyUSPTO

Search uspto.gov

Patents Trademarks IP Policy Learning and Resources

Perseverance and prototypes
Eight years of hard work led to the "overnight success" of the Super Soaker®. [FULL STORY >](#)

Find It Fast
Quick links to applications and tools.

Patents Trademarks

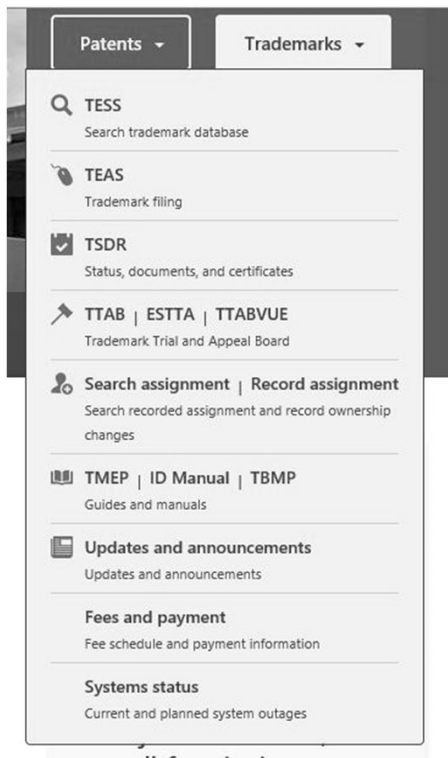
New to IP?
Learn the basics of intellectual property.

Patent basics >
Trademark basics >

Click "Trademark"

The image shows a screenshot of the USPTO website. At the top left is the 'uspto' logo and the text 'UNITED STATES PATENT AND TRADEMARK OFFICE'. To the right is a search bar with the text 'Search uspto.gov' and a magnifying glass icon. Below the logo is a navigation bar with four tabs: 'Patents', 'Trademarks', 'IP Policy', and 'Learning and Resources'. The 'Trademarks' tab is highlighted. Below the navigation bar is a large banner image of a man in sunglasses holding a Super Soaker water gun. The text below the image reads 'Perseverance and prototypes' and 'Eight years of hard work led to the "overnight success" of the Super Soaker®. [FULL STORY](#) >'. To the right of the banner is a 'Find It Fast' sidebar with the text 'Quick links to applications and tools.' Below this are two buttons: 'Patents' and 'Trademarks'. The 'Trademarks' button is active, and a dropdown menu is open showing the following items: 'TESS Search trademark database', 'TEAS Trademark filing', 'TSDR Status, documents, and certificates', 'TTAB | ESTTA | TTABVUE Trademark Trial and Appeal Board', 'Search assignment | Record assignment Search recorded assignment and record ownership changes', and 'TMEP | ID Manual | TBMP'. At the bottom left of the page is a 'Latest news' section with the headline 'New USPTO chief information officer appointed' and the sub-headline 'Henry "Jamie" Holcombe brings decades of experience to the position'.

Services You Will Use



- TESS: Research USPTO online database
- TEAS: Prepare and submit forms online
- TSDR: Research attorney of record, prosecution history, examining attorney, documents on file
- TMEP: Trademark Manual of Examining Procedure

Keep This Number Handy

Have questions about preparing an application.

Try the TMEP first. You may also call the United States Patent and Trademark Assistance Center

(571) 272-9250

When prompted, press 0, then 1, then 1, then 5.

Alternatively, contact the trademark examining attorney who has been assigned to your application. Use TSDR to find the name and number.

Hint

When proofing any table, read down, not across.

Questions

Discussion

I hope this has been helpful.

Thank you so much for your attention.

