

What is a Copyright?

A copyright is an exclusive right granted to the copyright holder regulating the use of an expression of an idea or other information. The most important thing to know about copyrights is that it regulates and protects only the form in which the idea or information is in, not the actual idea or information itself.

For example, the copyright that is held to protect the Daffy Duck cartoon prohibits unauthorized parties from distributing copies of the Daffy Duck cartoon or creating works which copy or very closely resemble the cartoon in any way. It does not, however, prohibit anyone from drawing or creating works that include cartoon ducks in general, so long as they are adequately different and not considered imitative of the original work.

Copyrights can protect a wide range of forms, including poems, plays, books, literary works, web copy, movies, dances, ballets, musical compositions, audio recordings, sculptures, paintings, drawings, photographs, software, radio and television broadcasts and other forms. Registering your works with the U.S. Copyright Office is basically like a copyright protection insurance policy. Most people don't know that basic copyright protection automatically arises when the author first creates the work and fixes it in a tangible form, without having to do anything or registering a copyright.

So Why Register for Copyright if my Work is Already Protected?

Basic copyright protection may arise automatically when the author first creates the work, but there are many protections and insurance benefits that are not allotted without holding a registered copyright. Registering a copyright establishes a public record of your copyright and ensures that everyone is aware that you have claimed copyright protection for your work. Also, if you hold a copyright for your work, you have the ability to sue any entity or individual who infringes upon your copyright and distributes and/or copies your work and stop the infringement from happening.

The only way an entity or individual can successfully be permitted to use your work is if they prove that they had a pre-existing copyright claim to the work, that you permitted them to use your work, that you didn't actually create the work or that you stole it from them. You also have the right to collect statutory damages and attorney's fee awards for your efforts. Without holding a registered copyright, you may have an automatic copyright to your work, but you hold no legal recourse and have no grounds to pursue any action against a copyright infringement and cannot enforce your rights to your mark.

If you are serious about protecting your business or personal work, it is always best to obtain protection under U.S. copyright laws. Registering a copyright is the best insurance you can attain in protecting your hard work.

Here is further explanation... (excerpt from Steven M. Ayr at www.ayrlaw.com)

Let's say you found that someone has infringed on your art. If your creation wasn't *registered* at the time the other person used it, you'll have to prove your damages when you go to court. In other words, you'll have to prove to a judge or jury exactly how much money you lost or exactly

how much money the other person gained by using your creation without your permission. That's hard to do. What's more, it can be expensive to do if you need to hire an expert to testify as to the nature of a particular market and your creation's place in it. Even worse, once your prove your damages, that's what you're stuck with, you can't get any more money than that. If there's not a lot of money involved, you can be sure that your legal costs will far exceed anything you get back in court. For the individual artist then, the person most in need of protection, it makes it virtually impossible to actually protect your work.

If, on the other hand, your work *was* registered at the time the other person started using it, you can get statutory damages. Depending on your perspective, statutory damages are either the greatest thing the US Congress has ever created or an unconstitutional and outdated black mark on US intellectual property law. I don't like them when applied in some instances (most notably in certain file-sharing cases), but when it comes to protecting individual artists I think they're absolutely essential.

So how it works is this: if you've registered before the infringement (the unauthorized use), you don't have to prove any damages, the Copyright Act lays out how much you get. Depending on certain factors, like how willful the infringement was, the creator can be awarded anywhere between \$200 and \$150,000 per act of infringement. You're also eligible for court costs and attorney's fees on top of any damages award. That's a heck of a lot better than having to prove how much you're owed.

This guide will be for registering copyrights using the Copyright.gov eCO online system

Why?

Advantages include:

- Lower filing fee of \$35 for a basic claim (for online filings only)
- Fastest processing time
- Online status tracking
- Secure payment by credit or debit card, electronic check, or Copyright Office deposit account
- The ability to upload certain categories of deposits directly into eCO as electronic files
- Available 24 hours a day, except for routine maintenance every Sunday from 12:00 midnight to 6:00 AM Eastern Time

Step 1

Before you begin filing online, you have to get your art organized. If you don't already have a system, read my article "How to Organize Your Artwork"

Good news.....you only have to file quarterly! You can file only once a year, if you wish, however, the art you created in January could be published at out in the marketplace where it is vulnerable to copyright infringement. By filing every three months, you will best protect your art. You would file all the art created January through March as "A", April through June as "B", July through September as "C" and October through December "D".

Filing online is only \$35 and you can file 1-100 or more images (pieces of art) at once. So for \$140 a year, you are covered!

Organizing Your Art Before Filing For Copyright Registration

This can be the most time consuming part of filing copyrights so staying organized is essential. You will need to have a copy of every piece of art you are filing along with the image number and title. If you keep an image list like I suggest in my article "How to Organize Your Artwork" you will ready to go. When filing online, you have the option of

uploading your digital images or mailing hard copies of your art. Below are some options for sending your art.

- Create a pdf catalog of the images you are filing a copyright registration for. If you don't know how to create a pdf catalog, I have an ebook that can help you if you work on a Mac and have the Pages program. www.teresakogut.com/ebooks/
 Here is an example of what I send in. It is a pdf catalog of images with image number and title under the art.
- Print or xerox hard copies of your art to be mailed into the copyright office.
- Using a desktop publishing program or photoshop to create 8.5 x 11 pages with

3125 - Dancing with Wreath 1, red

3126 - Dancing with Wreath 2, green

3128 - Deck the Halls yellow

3129 - Deck the Halls blue

3130 - Deck the Halls green

Teresa Kogut © images 2012

your images reduced down to fit four per page, 6 per page or 8 per page. Then you can either print it out to mail or create a zip file and upload them online when filing.

NOTE: If you don't have a scanner and all your art is not in a digital format, I recommend using your camera and taking photos of each piece of art so you will have a digital file.

You will also need a list of your image numbers and titles to make filing easier. Simply use your desktop publishing program for this step.

TIP: **Every time** you create a piece of art, either scan it or photograph it and put it in a file on your computer titled "Copyrights". Obviously, the filename for the jpg would be the image number and title. By doing this, when it comes time to file, the images will be at your fingertips and you won't miss anything or have to spend hours locating art to scan or photograph.

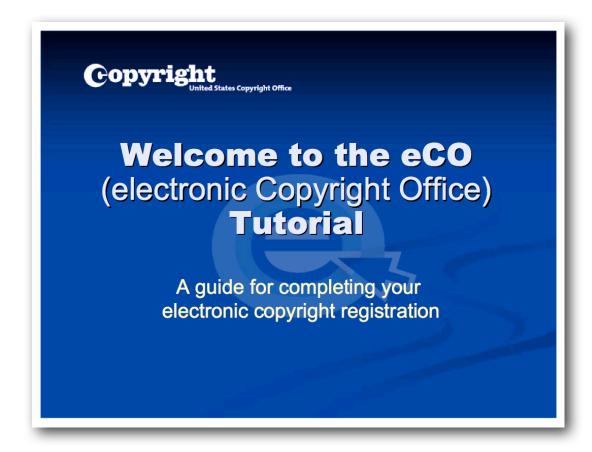
Copyright Registration List images 3125 to 3287 Name: 2012 3125-Dancing with Wreath 1 3201- Nativity The Grace of Go 3126-Dancing with Wreath 2 3202-Nativity Northwoods 3127-Dancing with Wreath 3 3203 - Speaks with Grace 3128-Deck the Halls yellow 3204 - Beatitudes 3129-Deck the Halls blue 3205 - Pure of Heart 3130-Deck the Halls green 3206 - Give me Jesus 3131-Baby Snowmen on House 3207 - Love is Kind Sampler 3132-Baby snowmen ornaments 3210 - Generous 3133-Baby snowmen skating 3211 - Merciful 3137-Snowman Family w/star 3213 - Hospitality 3138-Snowman family w/deer 3214 - Guardian 3139-Snowman family w/tree 3215 - America's Guardian Ang 3140-Star on top 3216 - God & The Bible

Step 2

Print this pdf. You will only need pages 5-9. Keep this with you for reference as you go through the filing process.

Step 3

Download and save the Copyright Tutorial to your computer at http://www.copyright.gov/eco/eco-tutorial.pdf



Keep this tutorial open on your desktopto on the right hand side of your desktop so you can scroll through it as you fill out the registration form online or you can print it.

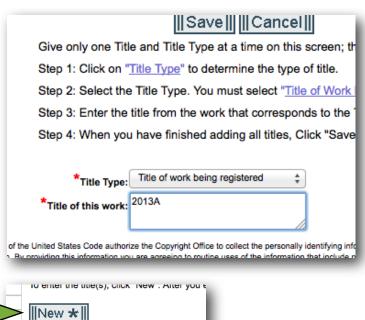
Read the first few pages of the Copyright Tutorial because you will need to change some things on your computer before you start.

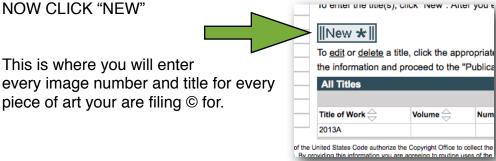
The Copyright Tutorial will take you step by step through the process but there are some things you may need help with so I will point them out below. When you get to:

Type of Work - Choose "Work of the Visual Arts"

Title Type - Choose "Title of work being registered"

Title of This Work - This is the Title you are giving a particular group of images. For instance, let's say you are copyrighting all the art you created from January 2013 to March 2013. The title would be "2013A" (use the year and the quarter for the title every time you file). Another example....if you are registering artwork created from July 2012 to September 2012, the title would be "2012C"



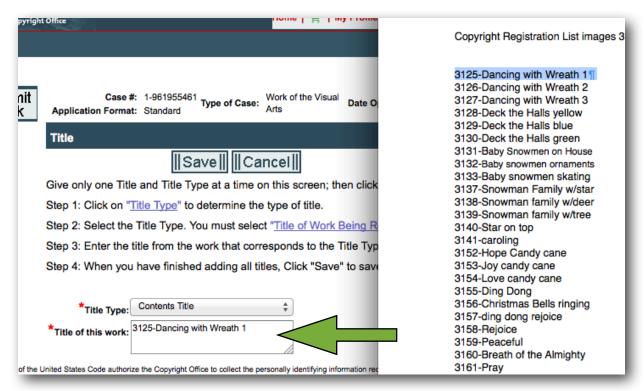


Below is the explanation from the US Copyright Office:

Contents Title: These are the titles of individual works within a collection.

Collections: Unpublished Collection of Works

To register a group of works as an *unpublished* collection with a single application, the ownership of every work in the collection must be the same. In addition, at least one author must have contributed to every work in the collection.



You will be taken back to this page.

Title Type: Contents Title

Title of this Work: This is where the image list will come in handy. I simple highlight, copy and paste each title in the "Title of this Work" box.

After you enter the image title, click "Save". It will take you back to the previous page so you can enter the next image. Click "New", enter the next image on your list, "Save" and repeat until all your images are added. When all the images are entered,

Click "Continue"

Has this work been published? No (this is why you need to register every quarter so it hasn't been published in the marketplace yet)

Click "Continue"

The rest of the pages are pretty self-explanitory.

Year of Completion/Creation: (enter what year you created the art)

Click "Continue"

Type nothing for page "For Published Works"

Click "Continue"

Adding an Author for the Work, Click "Add Me"

Click "Continue"

Naming the Author of the Work, Enter your full name under "Individual Author" and enter your "Citizenship"

Click "Save"

Describing the Author's Contribution, Choose what created.

Click "Save"

Type nothing on page Adding Multiple Authors (unless, of course, it applies)

Click "Continue"

Adding a Claimant, click "Add Me"

Click "Continue"

Type your information on Naming Claimant page.

Click "Save"

Click "Continue" on Adding Multiple Claimants page

Click "Continue" on Identifying Preexisting Material page

Click "Continue" on Rights and Permissions Contact

Click "Add Me" on the Correspondent Contact page

Click "Continue"

Click "Add Me" on the Certificate Mailing Address page

Click "Continue" on the Special Handling page unless you want to pay \$760!

Check the box and type in your name on the Certifying the Application page

Click "Continue"

Review the Submission before Checkout. Click "Save Template" so next filing will be even easier!

Click "Add to Cart"

Click "Check Out" or "add another registration" (most times you will go to Check Out)

The following pages, you will enter your method of payment.

At the very end you will either upload your files (make a zip file or compress your files so they are as small as possible). If the file you are uploading is too large and takes more than an hour to upload, it will not go through.

Since I don't know how long my file will take to upload, I choose to mail in hard copies so I know they have exactly what they need. To send hard copies, you will print a shipping slip that you will attach to your hard copies.

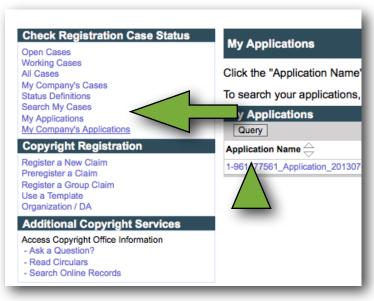
(make a copy of the shipping slip to keep with your records)

Then simply mail the hard copies with the shipping slip via Priority Mail so you ensure they get there within the 30 days AND so you have tracking and proof they received it.

That's it my friend! Easy as that! Now you just wait it out until you receive the Certificate of Registration.

You can check the status of your claim at any time by logging back into your account.

Also, if you want to print a copy of what you registered, click "My Applications" then click on which one you want. Then open the downloaded PDF, print and file with your other paperwork.



If you have any questions or comments regarding this document, please email me at teresakogut3@gmail.com

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Protect your art when posting it on the internet. ALWAYS have a watermark or two in places that are not easily photoshopped out. It is a good idea to have your blog address in the bottom right corner as well.

Blessings,

Jeresa Kosw-