

BENNETT LAW OFFICE, PC

PROTECTING YOUR COPYRIGHTED WORK

(for works fixed post January 1, 1978)

Thank you for allowing our firm to assist you with your questions surrounding the protection of your copyrighted work. This document will answer general questions you may have regarding your copyright. As this document only addresses generalities, it is not intended to be a substitute for legal advice on any specific issue that may arise.

1. Securing a copyright:

Copyright arises automatically when a work is created. Created means when the work is fixed in a tangible copy or a phonorecord for the first time.

2. Benefits of registration:

Registration of your copyright in the copyright office is not a condition of securing a copyright. There are three situations where registration is required to receive the maximum protection of the copyright laws:

- Registration is necessary prior to the filing of an infringement law suit;
- If registration is made prior to infringement of the work, attorney's fees are available in addition to selecting between pursuing statutory or actual damages in an action for infringement; and
- If registration is made within 5 years of publication; the information provided on the registration is accepted by the court as true.

3. Notice of copyright:

If your work was created, i.e., fixed in a tangible medium of expression, after March 1, 1989, the law no longer requires use of a copyright notice. **IT IS HIGHLY RECOMMENDED THAT YOU CONTINUE TO USE A PROPER COPYRIGHT NOTICE** to receive the maximum recovery allowed under the law in the event of litigation.

4. Proper notice:

Proper notice consists of three elements. Visually perceptible copies of the work should contain all three of the following elements.

- The **symbol** “©” or the word “Copyright” or the abbreviation “Copr.”;
- The **year** of first publication of the work; and
- The **name** of the owner of the copyright.

As an example: © 2001 Bennett Law Office

If the copyrighted work is a sound recording, the proper symbol is the letter P in a circle.

5. Exclusive rights of copyright owner: As the holder of exclusive rights, the copyright owner may grant permission to some and prevent others from doing the following five items:

- To **reproduce** the copyrighted work in copies or phonorecords;
- To prepare **derivative works** based upon the copyrighted work;
- To **distribute copies** or phonorecords of the copyright work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- To **perform** the copyrighted work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works; and
- To **display** the copyrighted work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphical, or sculptural works, including the individual images of a motion picture or other audiovisual work.

6. Duration of copyright protection:

- **In general**, the protection for a work created after January 1, 1978 is life of the author plus 70 years.
- **Joint authors:** When a work is a joint work of two or more authors, the term lasts until 70 years after the death of the last surviving author.
- **Works made for hire / anonymous / pseudonymous:** The duration of copyright will be 95 years from publication or 120 years from creation, whichever is shorter.

For additional information, please contact:

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