

**COPYRIGHT IN A NUTSHELL**

- **GOOD FOR PROTECTING CONTENT ADVANTAGE**
- **TERM: LIFE OF AUTHOR PLUS 70 YEARS (FOR WORKS AFTER 1978)**
  - **REGISTRATION FILED AT US COPYRIGHT OFFICE**
  - **COPYRIGHT ATTACHES EVEN WITHOUT NOTICE OR REGISTRATION**
  - **ENFORCEABLE IN US AND ITS TERRITORIES**
  - **RIGHTS OUTLINED IN SECT. 106 OF THE COPYRIGHT ACT**
  - **JURISDICTION: FEDERAL**
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- **TYPES OF WORKS ORIGINAL WORKS OF AUTHORSHIP IN A FIXED MEDIUM**
  - literary works;
  - words and music
  - dramatic works
  - choreography
  - motion picture and AV
  - visual and sculptural works
  - sound recordings
  - architectural works
- **FEDERAL JURISDICTION**
  - **REMEDIES INJUNCTION/ DAMAGES (ACTUAL OR STATUTORY)**
  - **MUST PROVE ACCESS AND SUBSTANTIAL SIMILARITY**
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- **REGISTRATION IS REQUIRED PRIOR TO SUING FOR COPYRIGHT INFRINGEMENT**
  - 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.
  - 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. Otherwise, only an award of actual damages and profits is available to the copyright owner.
  - Registration allows the owner of the copyright to record the registration with the U. S. Customs Service for protection against the importation of infringing copies.
- **THIRD PARTY COPYRIGHTS --IMPORTANT QUESTIONS:**
  - **DID THE CLIENT HAVE ACCESS TO THE COPYRIGHTED WORK?**
  - **IS THERE SUBSTANTIAL SIMILARITY?**
  - **IS THE COPYING PROTECTED?**
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**WEBSITES AND OTHER REFERENCES:**

- [HTTP://WWW.COPYRIGHT.GOV/CIRCS/CIRC1.HTML](http://www.copyright.gov/circs/circ1.html) (COPYRIGHT BASICS)
- [HTTP://WWW.USPTO.GOV/WEB/OFFICES/PAC/DOC/GENERAL/INDEX.HTML](http://www.uspto.gov/web/offices/pac/doc/general/index.html)
- [HTTP://WWW.LAW.CORNELL.EDU/USCODE/17](http://www.law.cornell.edu/uscode/17) (US COPYRIGHT STATUTE)