



Changes to Deposit Requirements at the U.S. Copyright Office

What is the deposit requirement for copyright registration?

When you register your published work with the Office or comply with the **mandatory deposit requirement**, you must submit copies of your work to the Office. In certain situations, those copies must also comply with the **requirement** to deposit the “best edition” of a work from among multiple editions of the work available at the time of registration. When a work is first published in physical form, best edition physical deposits are generally required except in the situations listed below. For all unpublished works and works only published online, you only need to submit electronic deposits and are not required to submit best edition physical deposits.

Recent Changes to Copyright Registration Deposit Requirements



Literary Monographs

A literary monograph is a literary work that is published in one volume or a finite number of volumes.

Common examples include fiction, nonfiction, poetry, short stories, memoirs, and textbooks. As a general rule, publishers may submit one copy of the best edition of the work; two copies are not required in most cases. If two copies are required, the Office will contact the applicant.



Single Serial Issues

A serial is a work issued in successive parts bearing numerical or chronological designations, such as a newspaper, newsletter, magazine, journal, or similar publication.

When registering a single issue of a serial publication, publishers may now upload a digital copy of the issue instead of mailing two physical copies of the best edition, even if the serial is published in a physical form or in both a physical and electronic form. Note that sending a physical copy will delay the examination of the claim and result in a later effective date of registration. Also note that when registering a group of serial issues, applicants must upload an electronic copy of each issue they are registering.



Musical Works

A musical work is a song’s underlying composition and any accompanying lyrics. Musical works are usually created by a songwriter or composer. These works may be published in visually perceptible copies (such as sheet music) or in phonorecords. A phonorecord is a material object in which sounds are fixed and from which the sounds can be perceived, reproduced, or otherwise communicated either directly or with the aid of a machine or device. Examples include a cassette tape, CD, or digital file.

When registering a musical work, if the work was first published in a phonorecord, applicants can upload a digital audio file as long as they are registering the musical work that is embodied in the phonorecord (and not the sound recording). Applicants do not need to submit a physical copy of the phonorecord, even if the work was published in a physical format, such as an LP or compact disc.



Photographs

When registering photos using the Office’s group registration options, applicants must upload an electronic copy of each photo in JPEG, GIF, or TIFF format. However, applicants do not need to submit a physical copy of the best edition, even if the photos have been published in a physical form, such as in a book, magazine, poster, or other format.



Architectural Works

The Copyright Act defines architectural works as “the design of a building as embodied in any tangible medium of expression, including a building, architectural plans, or drawings. The work includes the overall form as well as the arrangement and composition of spaces and elements in the design, but does not include individual standard features.”

When registering an architectural work, applicants may submit the deposit in electronic form instead of mailing physical copies to the Office. Applicants may upload a digital file containing the most finished version of an architectural drawing showing the overall form of the building. If the building has been constructed, the applicant should also submit photos showing several exterior and interior views.

Electronic Deposits for Group Applications

All group registration options except for group databases allow or require electronic deposits. See the full list here.

Group Registration	Allow Electronic Deposits	Require Electronic Deposits	Physical Deposit Required
Group Registration of Unpublished Works (GRUW)		✓	
Group Registration of Unpublished Photographs (GRUPH)	✓		
Group Registration of Published Photographs (GRPPH)	✓		
Group Registration of Musical Works on an Album of Music (GRAM)	✓		
Group Registration of Sound Recordings on an Album of Music (GRAM)	✓*		
Group Registration of Serials (GRSE)		✓	
Group Registration of Newspapers (GRNP)		✓	
Group Registration of Newsletters (GRNL)		✓	
Group Registration of Short Online Literary Works (GRTX)		✓	
Group Registration of Contributions to Periodicals (GRCP)		✓	
Group Registration of Secure Test Items (GRSTQ)		✓	
Group Registration of Updates to a Non-Photographic Database (GRDB)			✓

*Electronic deposits are allowed if the album has been released only in a digital format and has not been released in a physical format.

Deposit Declaration Form

Effective April 2, 2020, the Office created a **special accommodation** for applicants who are required to submit a physical copy of the best edition. Applicants are allowed to upload a digital copy of the work and a **deposit declaration form** confirming that they have sent or intend to send the required physical copies within three days. The Office examines the electronic copy instead of waiting to receive the physical copies so that applicants may receive their registration decision much sooner. Applicants may also use this procedure when requesting special handling for a work that requires a physical deposit.

What Is the Mandatory Deposit Requirement?

Mandatory deposit requires the owner of the copyright or of the exclusive right of distribution to deposit in the Office for the use of the Library of Congress two complete copies of the best edition within three months after a work is published or distributed in the United States. Mandatory deposit applies to works first published in a foreign country when they are distributed in the United States.

Copyright law in the United States has continued to evolve, and the Office has worked to keep pace with changing laws and technology. More than a decade ago, the Office exempted works published solely online from mandatory deposit requirements. There are two limited exceptions to this rule: eBooks and eSerials published in the United States are potentially subject to mandatory deposit. However, publishers have no obligation to submit their eBooks and eSerials unless the Library of Congress expressly demands them. In other words, if your eBook or eSerial is needed for the collections, the Office will let you know.

Where Can I Find More Information?

Visit copyright.gov for more information, including FAQs and circulars.

You can also contact us:

Phone: 1-877-476-0778 (toll-free)

Email: copyinfo@copyright.gov

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