Circular 12

Copyright
United States Copyright Office

Recordation of Transfers and Other Documents

Whether or not a copyrighted work has been registered with the U. S. Copyright Office, owners of these works often enter into agreements that affect their ownership rights. For instance, owners may transfer copyright ownership to another person. Owners may also authorize others to use their works, even giving someone else control over ways in which a work is used. Under *section 205* of the Copyright Act (title 17 of the *United States Code*), documents pertaining to such agreements, and other documents pertaining to copyrights, may be recorded in the Copyright Office.

Recording a transfer of copyright ownership or other document pertaining to a copyright with the Copyright Office under section 205 is voluntary. However, to encourage document recordation, the law confers certain legal advantages, including priority between conflicting transfers and "constructive notice" of the facts stated in the recorded document to the public if certain requirements are met. (See "Benefits of Recordation" on page 2.) Any document pertaining to a transfer of copyright ownership or other document pertaining to a copyright may be recorded as long as the person submitting it complies with the procedures set forth in the Copyright Act and the Office's regulations.

This circular explains what recordation is, describes the benefits of and requirements for recordation, and provides instruction on how to record a transfer of copyright ownership or other document pertaining to a copyright with the Copyright Office under section 205. Please note, however, that this circular does not address the recordation requirements for documents related to notices of termination, designation of agents for online service providers, identification of anonymous/pseudonymous authors, author death statements, visual arts registry statements, or shareware registry statements. Nor are documents filed with the Licensing Division of the Copyright Office covered here.

While this circular provides general information on the recordation of transfers of copyright ownership and other documents pertaining to a copyright, it is not meant to provide legal advice about the rights or remedies of individuals under the Copyright Act. See 37 C.F.R. § 201.2(a)(3). If you are unsure about a legal issue relating to recordation, the Office suggests that you consult a knowledgeable attorney.

What Is Recordation?

Federal law provides for the recording of documents pertaining to copyright in one central location, the Copyright Office. The Office maintains true and accurate copies of recorded documents and makes them available for public inspection. See 37 C.F.R. § 201.2(b).

The process of recordation entails (1) receiving copyright related documents from remitters for recordation; (2) reviewing the documents to ensure they are eligible for recordation; (3) indexing information contained in the documents for use in the Office's public catalog of recorded documents; (4) making copies of the documents so they are available for public inspection; and (5) returning documents marked as recorded to remitters. The public catalog, which is available on the Internet for documents recorded after 1977, includes a description of each recorded document, including party names, titles of works, registration numbers (when available), heading notes, and other information.

The Copyright Office does not enforce agreements that are reflected in recorded documents. Although the Copyright Office has minimum requirements that must be satisfied for a document to be recorded, such as the document being complete by its own terms, the Office does not determine whether documents satisfy legal requirements that are necessary for the documents to be effective or enforceable.

Benefits of Recordation

While the recordation of a transfer of copyright ownership or other document pertaining to a copyright is not mandatory, there are several advantages to recordation. These include the following:

- Under certain conditions, recordation establishes legal priority between conflicting transfers or between a transfer and a nonexclusive license.
- Recordation establishes a public record of the contents of the transfer or document.
- Some courts have held that a security interest in a registered work must be recorded with the U.S. Copyright Office in order to perfect the creditor's interest.
- Recordation of a document in the Office may provide the advantage of "constructive notice," a legal concept meaning that members of the public are deemed to have knowledge of the facts stated in the document and cannot claim otherwise. Section 205 of the Copyright Act says that recordation of a document in the Office gives all persons constructive notice of the facts stated in the recorded document, but only if the following two conditions are satisfied:
  - The document or material attached to it specifically identifies the work to which it pertains so that, after the document is indexed by the Register of Copyrights, it would be revealed by a reasonable search under the title or registration number of the work; *and*
  - Registration has been made for the work.

What May Be Recorded

A document that transfers copyright ownership or any other document pertaining to a copyright may be recorded in the Copyright Office if it meets the requirements described in the section entitled "Requirements for a Document to Be Recorded" below.

Transfers of Copyright Ownership

A "transfer of copyright ownership" is an assignment, mortgage, grant of an exclusive license, transfer by will or intestate succession, or any other conveyance, alienation, or hypothecation of any or all of the exclusive rights in a copyright, whether or not it is limited in time or place of effect. It does not include a nonexclusive license. See 17 U.S.C. § 101 (definition of "transfer of copyright ownership").

A transfer of copyright ownership, other than by operation of law, is not valid unless an instrument of conveyance (for example, contract, bond, or deed) or a note or memorandum of the transfer is in writing and is signed by the owner of the rights conveyed or the owner's duly authorized agent. See 17 U.S.C. § 204(a).

The Office will record a transfer of copyright ownership after it has been executed by the parties. No special content is necessary for the document other than the requirements provided in the Copyright Act. Note, however, that parties wishing to record a transfer of copyright ownership should submit to the Office the legal instrument that transfers the copyright from one party to another; describing the transfer will not suffice.

Notarization and certificates of acknowledgment are unnecessary for the recordation of transfers of copyright ownership. Section 204(b) of the Copyright Act, however, states that a certificate of acknowledgment can serve as prima facie evidence of the execution of a transfer of copyright ownership if one of the two following conditions is satisfied:

- In the case of a transfer executed in the United States, the certificate is issued by a person authorized to administer oaths within the United States; or
- In the case of a transfer executed in a foreign country, the certificate is issued by a diplomatic or consular officer of the United States or by a person authorized to administer oaths whose authority is proved by the certificate of such an officer.

17 U.S.C. § 204(b).

Other Documents Pertaining to a Copyright

A document is considered to "pertain to a copyright" if it has a direct or indirect relationship to the existence, scope, duration, or identification of a copyright, or to the ownership, division, allocation, licensing, transfer, or exercise of rights under a copyright. That relationship may be past, present, future, or potential. See 37 C.F.R. § 201.4(a)(2). Examples include exclusive and nonexclusive licenses, contracts, powers of attorney, certificates of change of corporate title, and decrees of distribution. Examples of documents that do not pertain to a copyright include a bill of lading referring to a shipment of motion pictures and an assignment of rights in a patent or trademark.

If a document does not appear to have any direct or indirect relationship to a copyright claim, the Office may communicate with the remitter and may refuse to record the document.

Documents Not Covered by This Circular

NOTE: The filing or recordation of the following documents is not covered by this circular, and other requirements may apply:

- Certain contracts entered into by cable systems located outside the 48 contiguous states. See 17 U.S.C. § 111(e); 37 C.F.R. § 201.12.
- Notices of identity and signal carriage complement and statements of account of cable systems. See 17 U.S.C. §111(d); 37 C.F.R. §201.17.
- Statements of account of satellite carriers. See 17 U.S.C. § 119(b); 37 C.F.R. § 201.11.
- Notices and statements of account submitted for the distribution of digital audio recording equipment and media. See 17 U.S.C. §§ 1003-1004; 37 C.F.R. §§ 201.27, 201.28.
- Notices of intention to obtain a compulsory license to make and distribute phonorecords of nondramatic musical works. See 17 U.S.C. § 115(b); 37 C.F.R. § 201.18.
- License agreements and terms and rates of royalty payments voluntarily negotiated between one or more public broadcasting entities and certain owners of copyright. See 17 U.S.C. § 118; 37 C.F.R. § 201.9.
- Notices of termination. See 17 U.S.C. §§ 203, 304(c), 304(d); 37 C.F.R. § 201.10; and 74 FR 12554 (Mar. 25, 2009).
- Statements regarding the identity of authors of anonymous and pseudonymous works and statements relating to the death of authors. See 17 U.S.C. § 302(c)-(d).
- Notices of intent to enforce filed under the Uruguay Round Agreements Act (URAA). See 17 U.S.C. § 104A; 37 C.F.R. §§ 201.33, 201.34.
- Documents pertaining to a work of visual art that has been incorporated into or made a part of a building. See 17 U.S.C. § 113(d), 37 C.F.R. § 201.25.
- Documents pertaining to mask works. See 17 U.S.C. § 903(c).
- Documents pertaining to computer shareware. See 37 C.F.R. § 201.26.

Requirements for a Document to Be Recorded

Any transfer of copyright ownership or other document pertaining to a copyright may be recorded in the Copyright Office if the document meets the following requirements, as explained in detail below. The document must:

- Have an original signature (or proper certification if submitted as a photocopy);
- Be complete by its own terms;
- Be legible; and
- Be accompanied by the correct fee.

Signature or Certification

The document must bear the actual signature or signatures of the person or persons who executed the document. See 17 U.S.C. § 205(a). If a photocopy of the original signed document is submitted, it must be accompanied by a sworn or official certification, depending on whether the document has been validated by, or filed in, a government office, as explained below. See 37 C.F.R. § 201.4(c)(1). The certification must state that the attached reproduction is a true copy of the original signed document. Id.

A sworn certification is used when the original document has not been validated by, or filed in, a government office. The sworn certification must communicate that the attached reproduction is a true copy of the original signed document, and the sworn certification must be signed by one of the parties to the document or by an authorized representative of that person. Sworn certifications may be issued by a notary or other person authorized to administer oaths. As an alternative to a notarized certification, the following statement is acceptable: "I declare under penalty of perjury that the accompanying document is a true and correct copy of the original document." Section 9 of the Form DCS (discussed below) contains a sworn certification statement that may be used to satisfy this requirement.

NOTE: A notary public's signature certifying that the photocopy is a true copy is not acceptable. The signatory must be

one of the parties to the document or an authorized representative of that person.

An official certification is used for a document that has been validated by, or filed in, a public office. An official certification is a certification by the appropriate government official that the original document is on file in a public office and that the reproduction submitted is a true copy of the original.

NOTE: If the document is on file with a public office you must, along with the true copy of the original document, submit an original official certification. A photocopy of an official certification is not acceptable.

Completeness

The document must be complete by its own terms. See 37 C.F.R. § 201.4(c)(2). A document that contains a reference to any schedule, appendix, exhibit, addendum, or other material as being attached or made a part of it will be recorded only if the attachment is submitted for recordation with the document or if the reference is deleted by the parties to the document. See id. at § 201.4(c)(2)(i).

In exceptional cases, the Office will record a document containing a reference to an attachment without the attached material and without deletion of the reference if the person seeking recordation makes a request in writing, 37 C.F.R. §§ 201.4(c)(2)(i)(A)–(C), or checks the appropriate box of the Form DCS indicating (a) that the attachment is completely unavailable for recordation, (b) that the attachment is not essential to identify the subject matter of the document, and (c) that it would be impossible or wholly impracticable for the person(s) executing the document to sign or initial an amendment deleting the reference to the attachment. If the Office receives such a request, it will record the document without communicating with the remitter and will add an annotation to the record; the annotation will appear on both the certificate of recordation and the online public record for that document.

If the document indicates on its face that it is a self-contained part of a larger instrument (for example, if it is designated "Attachment A" or "Exhibit B"), the Office will record the document if the person requesting recordation asserts that the document is sufficiently complete as it stands. See 37 C.F.R. § 201.4(c)(2)(ii).

If the document merely identifies or incorporates by reference another document, or certain terms of another document, the Copyright Office will not require recordation of the other document. See 37 C.F.R. § 201.4(c)(2)(iii).

Legibility

The document must be legible and capable of being reproduced in legible imaged copies.

Fees

The document must be accompanied by the appropriate fee as prescribed in the law. Bank drafts must be drawn on or payable through a U.S. bank.

In the case of multiple-title documents, titles that are repeated in documents will be counted as a single title, except where the document lists different issues, volumes, chapters, or installments following the title. Each such entry will be regarded as a separate title and will be indexed separately and counted separately for the purposes of computing the recordation fee. Additional titles after the first are charged an additional fee for each group of 10 or fewer. Varient titles for the same work, (i.e., "alternative" titles, "f/k/a" titles, and "a/k/a" titles) are considered to be additional titles.

Examples of multiple titles for which a separate fee is charged:

"Fan Club News," vol. 1, no. 3 (June 1981)

"Fan Club News," vol. 1, no. 4 (July 1981)

"Fan Club News," vol. 1, no. 5 (August 1981)

For detailed information on how to calculate fees associated with the recordation of documents, see the *factsheet Calculating Fees for Recording Documents and Notices of Termination in the Copyright Office*.

NOTE: The Office's fees are subject to change. For current fees, please check the Office's *website*, write to the Office, or call 202-707-3000 or 1-877-476-0778 (toll free).

Effective August 1, 2009, the Copyright Office no longer refunds the full fee for a document filed for recordation if the document is not recorded. The basic fee will be retained to cover administrative costs. Only fees for additional titles will be refunded.

Documents Will Be Returned Unrecorded If:

- The document does not have an original signature or proper certification;
- The document is illegible;
- The document is not capable of being reproduced legibly;
- The document is incomplete by its own terms;
- The document is marked as an "attachment" or "exhibit," unless the person requesting recordation asserts that the document is sufficiently complete as it stands;

- The complete recordation fee is not submitted;
- It is unclear to the Copyright Office whether the document is to be recorded; or
- The document is submitted to the Office in error.

Other Material That May Be Submitted with the Document

Form DCS

The Office has created Form DCS, called the "Document Cover Sheet," to accompany any document submitted for recordation under section 205 of the Copyright Act. The *form* is available on the Office's *website*.

Use of Form DCS is optional but encouraged, as it offers certain benefits, including allowing a remitter to request confirmation that the Office received a submission. It can also be used in certain cases, to provide a sworn certification that the copy submitted for recordation is a true copy of the original signed document, or to request recordation of a document containing a reference to an attachment without the attached material. Additionally, it helps facilitate better recordkeeping and communication between the Office and remitters.

Form DCS should be used only for the recordation of a transfer of copyright ownership or other document pertaining to a copyright under section 205 of the Copyright Act. It should not be used for documents pertaining to notices of termination, designation of agents for online service providers, identification of anonymous/pseudonymous authors, author death statements, visual arts registry statements, shareware registry statements, or other documents not covered by this publication. Also, Form DCS should not be used to file Licensing Division documents.

When using Form DCS, prepare and submit two copies of the form for each document being submitted for recordation. If multiple documents are being submitted for recordation in the same package, each individual document should be accompanied by two copies of Form DCS reflecting the information contained in that particular document. For example, if a submission includes four documents for recordation, it should be accompanied by two copies each of four separately completed forms. Information provided in the form should be typed or legibly printed. Any form submitted will be imaged with the document as part of the public record.

Electronic Title List

Titles of copyrighted works associated with a document submitted for recordation are often presented in a list appended to the paper document, referred to informally as a "title appendix." Generally, the Office manually transcribes the information from paper title appendices into the Public Catalog. But to speed processing of documents with lengthy title lists, remitters may submit electronic title lists where the submission encompasses 100 or more titles. This includes the situation where multiple title lists associated with a document contain, in the aggregate, 100 or more titles. See 37 C.F.R. § 201.4(c)(4).

NOTE: Submission of an electronic title list does not eliminate the need for submission of a paper title appendix. The electronic list is not considered part of the recorded document and is used only as a means to index titles and other information associated with the recorded document.

Electronic title lists must be submitted in a table in Excel (.xls) format or an equivalent electronic format approved by the Office. Id. 201.4(c)(4)(ii). The electronic entries may contain only letters, numbers, and printable characters that appear in the ASCII 128-character set. Each table must contain four columns respectively entitled Article, Title, Authorship Information, and Registration Number(s). Each title and its corresponding information must appear in a separate row of the electronic table, as follows:

1 *Article.* If the title begins with one of the articles specified below, the article should be separated from the title and placed in this first column. Separating out these leading articles from the rest of the title assists with the sorting function of the Public Catalog. The following articles are to be separated:
   - In English: A, An, The
   - In Spanish: Un, Una, El, La, Lo, Las, Los
   - In French: L' (as in "L'Ecole"), Le, La, Les, Un, Une
   - In German: Der, Die, Das, Einer, Eine, Ein

   For example, if the title of the work is "A Hard Day's Night," the Article field should have the word "A"; similarly, if the title of the work is "The Fly," this field should have the word "The." If the title does not begin with an article identified above, the column should be included and this field should remain blank. Note that the words "These," "Those," "Some," and "Any" are not considered articles and are not to be separated. Remitters are not required to separate out articles in languages other than the ones listed.

2 *Title.* This second column should set forth the title of the work, not including any leading article specified in the above list. For example, if the title of the work is "A Hard Day's Night," the Title field should have the remainder of

the title, "Hard Day's Night"; the Title field for "The Fly" should have the remainder of the title, "Fly."

3 *Authorship Information.* This third column should include the word "By" followed by the name of the author or authors of the work, e.g., "By John Lennon and Paul McCartney," or "By Paul Hewson, Dave Evans, Adam Clayton, and Larry Mullen." If the author's name includes a designation such as "performer known as" or "also known as," this designation should be included in the Authorship Information field. If using the abbreviated form of such a designation, the abbreviation should be included without punctuation between the letters. For example, "By Ella Yelich-O'Connor pka Lorde" (but not "By Ella Yelich-O'Connor p/k/a Lorde").

4 *Registration Number(s).* The fourth column should set forth the copyright registration number or numbers associated with the work if the remitter chooses to supply them. When the title is associated with multiple registration numbers, separate the numbers with commas. While this field is optional, the column should be included and the field left blank even if registration numbers are not supplied. Registration numbers included in the electronic list must be 12 characters long, must include a two- or three-letter prefix in capital letters, and must not include spaces or hyphens. If a given registration number consists of fewer than 12 characters, the remitter should add leading zeroes to the numeric portion of the registration number before adding it to the list. For example, if a published work has the registration number "SR-320-918," it should be transcribed into the electronic list submitted for recordation as "SR0000320918." Similarly, if an unpublished work has the registration number "VAu-598-764," it should be transcribed into the electronic list submitted for recordation as "VAU000598764."

The electronic list must be stored on a compact disc, flash drive, or other digital storage medium approved by the Copyright Office that is clearly labeled with the following information: the name of the remitting party, the name of the first party listed in the paper document, the first title listed in the paper document, the number of titles included in the paper document, and the date the remitting party mailed or delivered the paper document. The storage medium on which the electronic list is stored must be included in the same package as the paper document to be recorded, unless the Office agrees to an alternative arrangement. See 37 C.F.R. § 201.4(c)(4)(i).

The Office will rely on the electronic list of titles for the purposes of indexing submitted documents, and will make a note in the record indicating that fact. Remitters should thus ensure that the electronic list of titles fully and accurately reflects the titles contained in the paper document. If an electronic submission is inconsistent with the information contained in the paper document, such discrepancies will result in corresponding inaccuracies in the Public Catalog, and the remitter will bear the legal consequences of such inaccuracies. See id. at § 201.4(c)(4)(iii).

Correcting Errors in Electronic Title Lists

If a remitter finds that an error or omission in an electronic title list has led to the inaccurate indexing of a recorded document in the online Public Catalog, the remitter may submit the complete, corrected list of electronic titles, with each corrected row in the table identified by color highlighting. The table header should contain the phrase "corrected title list." The volume and document number of the associated recorded document should also be included in the header, as well as in the title of the computer file containing the electronic title list. When submitting the list, the remitter should include a cover letter that clearly references the volume and document number of the recorded document, the name of the remitting party, the name of the first party listed in the paper document, and the first title listed in the paper document. Upon receipt of a corrected electronic list in proper form and the appropriate fee, the Office will proceed to correct the data in the Public Catalog and will note in the record that the corrections were made and the date they were made. See 37 C.F.R. § 201.4(c)(4)(v).

Return Receipts

Because it may take several months or longer before document submissions are processed, the Office provides an optional receipt confirmation system under which a remitter may request that the Office provide a return receipt. A remitter may request return receipt by sending, along with the recordation submission, two copies of Form DCS and checking the box indicating that a return receipt is requested. The remitter must also include a self-addressed, postage-paid envelope. Once the Office receives a recordation submission indicating that the remitter seeks return receipt notification, the Office will attach a date-stamped return receipt to one of the forms and mail it back to the remitter using the self-addressed, postage-paid envelope. See 37 C.F.R. § 201.4(f).

A return receipt will establish only that the Office has received a submission as of the date indicated; it will not establish that a document is eligible for recordation or provide a date of recordation. Only the certificate of recordation will provide the date of recordation. Id.

Recordation Process

Documents accepted for recordation are numbered, cataloged, and imaged for the public record. They are indexed in the Office's online Public Catalog under the names of the parties, the titles they contain, and where applicable, the registration number(s) for the works associated with the documents. The original document is returned to the sender with a certificate of recordation bearing the date of recordation and the volume and document number identifying the recorded document. A numbered copy of the original document will be provided to the submitter as well as maintained at the Office and made available to the public upon request for public inspection and copying.

When cataloging a recorded document, the Office will collect only the information that appears in the document itself and any schedules, exhibits, appendices, or other attachments thereto. The Office may also use information contained in an electronic title list, if one is provided. Parties, titles, and other pertinent information should be clearly identified in the document itself, in the attachments to the document, or in the electronic title list, if applicable.

With the exception of title counts, the Office does not ordinarily seek to verify any of the information that appears in a recorded document. Generally, titles, parties, dates of execution, and the like will be transcribed "as is" without confirming the accuracy of that information.

If there are obvious but minor typographical errors in the names or titles listed in the document, the specialist may index the document under the correct name or title.

Legal Sufficiency

The Copyright Office does not attempt to judge the legal sufficiency or to interpret the content of any document submitted for recordation. It does not screen the document for errors, discrepancies, or content and does not generally correspond with the remitter about the sufficiency of the document.

Remitters are therefore cautioned to review and scrutinize any document to assure its legal sufficiency before submitting it to the Copyright Office for recordation. The Copyright Office will record the document, but recordation may be without legal effect unless the remitter has prepared the document in a way that satisfies applicable legal requirements.

Date of Recordation

The date of recordation is the date when the Copyright Office receives the written document in proper form and the proper fee.

Privacy

Because copies of the recorded document and Form DCS will be made available to the general public upon request, parties should be aware that private, confidential, or personally identifiable information in a document that is submitted for recordation or on Form DCS will be accessible to persons who request to inspect or copy the recorded document or Form DCS on file at the Office (see "Public Access to Document Records" below).

Mailing and Delivery Instructions

Submissions to record transfers of copyright ownership and other documents pertaining to a copyright should be mailed to:

Library of Congress
U.S. Copyright Office–DOC
101 Independence Avenue SE
Washington, DC 20559

Documents may also be submitted in person at the Copyright Public Information Office, which is open to the public 8:30 AM to 5:00 PM, Monday through Friday, eastern time, except federal holidays. It is located in Room LM 401 in the Library of Congress, James Madison Memorial Building, at 101 Independence Avenue SE, Washington, DC.

Public Access to Document Records

Information pertaining to recorded documents may be viewed in the online Public Catalog on the Office's *website*. Recorded documents may be inspected and, for a fee, copied, by visiting the Office in Washington, D.C., or by requesting a search for the document, a search report of the relevant records, or copies of the recorded documents through the Office's Records Research and Certification Section which can be contacted at:

U.S. Copyright Office
Records Research and Certification Section
P.O. Box 70400
Washington, DC 20559
Tel: 202-707-6787
Fax: 202-252-3519 (for deposit account holders only)

Online Access

Copyright Office records in machine-readable form from January 1, 1978, to the present and catalog information

pertaining to recorded documents are available for searching on the Copyright Office *website*. Images of registration applications and recorded documents are not available over the Internet. Certain older records may be viewed *online*.

Requesting Searches, Search Reports, and Copies

Upon request and for a fee, the Records Research and Certification Section will search recordation records, prepare search reports of the information contained in those records, and provide photocopies of documents. Because some materials are not stored on the immediate premises of the Copyright Office, it is advisable to consult with the Records Research and Certification Section in advance to determine the length of time necessary to produce the requested materials.

Inspecting and Copying Records In Person

To inspect or copy recorded documents and the records related to them in person, visit the Copyright Public Records Reading Room (LM-404), located in the U.S. Copyright Office, James Madison Memorial Building, 101 Independence Avenue SE, Washington, DC. The reading room is open to the public from 8:30 AM to 5:00 PM, eastern time, Monday through Friday, except federal holidays. Visitors to the reading room must first obtain a Reader Identification Card through the Library of Congress. For information on how to obtain a Reader Identification Card, *click here* or call 202-707-5278.

Relevant Statutory Provisions from Title 17 of the United States Code

Section 101

§ 101 · Definitions

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.

Section 204

§ 204 · Execution of transfers of copyright ownership

(a) A transfer of copyright ownership, other than by operation of law, is not valid unless an instrument of conveyance, or a note or memorandum of the transfer, is in writing and signed by the owner of the rights conveyed or such owner's duly authorized agent.

(b) A certificate of acknowledgement is not required for the validity of a transfer, but is prima facie evidence of the execution of the transfer if—

(1) in the case of a transfer executed in the United States, the certificate is issued by a person authorized to administer oaths within the United States; *or*

(2) in the case of a transfer executed in a foreign country, the certificate is issued by a diplomatic or consular officer of the United States, or by a person authorized to administer oaths whose authority is proved by a certificate of such an officer.

Section 205

§ 205 · Recordation of transfers and other documents

(a) Conditions for Recordation.—Any transfer of copyright ownership or other document pertaining to a copyright may be recorded in the Copyright Office if the document filed for recordation bears the actual signature of the person who executed it, or if it is accompanied by a sworn or official certification that it is a true copy of the original, signed document. A sworn or official certification may be submitted to the Copyright Office electronically, pursuant to regulations established by the Register of Copyrights.

(b) Certificate of Recordation.—The Register of Copyrights shall, upon receipt of a document as provided by subsection (a) and of the fee provided by section 708, record the document and return it with a certificate of recordation.

(c) Recordation as Constructive Notice.—Recordation of a document in the Copyright Office gives all persons constructive notice of the facts stated in the recorded document, but only if—

(1) the document, or material attached to it, specifically identifies the work to which it pertains so that, after the document is indexed by the Register of Copyrights, it would be revealed by a reasonable search under the title or registration number of the work; *and*

(2) registration has been made for the work.

(d) Priority Between Conflicting Transfers.—As between two conflicting transfers, the one executed first prevails if it is recorded, in the manner required to give constructive notice under subsection (c), within one month after its execution in the United States or within two months after its execution outside the United States, or at any time before recordation in such manner of the later transfer. Otherwise the later transfer prevails if recorded first in such manner, and if taken in good faith, for valuable consideration or on the basis of a binding promise to pay royalties, and

without notice of the earlier transfer.

(e) Priority Between Conflicting Transfer of Ownership and Nonexclusive License.—A nonexclusive license, whether recorded or not, prevails over a conflicting transfer of copyright ownership if the license is evidenced by a written instrument signed by the owner of the rights licensed or such owner›s duly authorized agent, and if—

(1) the license was taken before execution of the transfer; *or*

(2) the license was taken in good faith before recordation of the transfer and without notice of it.

For Further Information

Online

Circulars, announcements, regulations, forms, and other related materials are available from the Copyright Office *website*. To send an email communication, click *here*.

By Telephone

For general information about copyright, call the Copyright Public Information Office at 202-707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 AM to 5:00 PM, Monday through Friday, eastern time, except federal holidays. Recorded information is available 24 hours a day. To request forms or circulars, call 202-707-9100 and leave a recorded message.

By U.S. Mail

Write to:

Library of Congress
U.S. Copyright Office
101 Independence Avenue SE
Washington, DC 20559

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