

Copyright Registration for **Musical Compositions**

This circular provides information about registering musical compositions with the U.S. Copyright Office. It introduces the difference between a musical composition and a sound recording under copyright law and offers guidance about

- Completing a copyright application
- Submitting a deposit
- Registering multiple unpublished musical compositions

This circular is intended as a guide to registering musical compositions with the U.S. Copyright Office. For specific information, see **chapter 800** of the *Compendium of U.S. Copyright Practices*.¹

Musical Compositions

The Copyright Act provides in section 102(a)(2) for copyright protection in “musical works, including any accompanying words,” that are fixed in some tangible medium of expression. Musical works include original compositions and original arrangements or other new versions of earlier compositions to which new copyrightable authorship has been added.

Copyright protection gives the owner of copyright in a musical composition the exclusive right to make copies, prepare derivative works, sell or distribute copies, and perform or display the work publicly. The owner of copyright may also authorize others to engage in the exclusive rights.

The copyright in a musical work includes the right to make and distribute, or to authorize, the first sound recording of a performance of the musical composition. Once a musical composition is published in the United States on phonorecords, others are permitted to make subsequent sound recordings of the musical composition subject to a compulsory licensing provision in the copyright law.² For more information, see *Compulsory License for Making and Distributing Phonorecords* (**Circular 73**).

Musical Compositions Versus Sound Recordings

A musical composition and a sound recording are two separate works. A registration for a musical composition covers the music and lyrics, if any, embodied in that composition, but it does not cover a recorded performance of that composition.

For example, the song “Rolling in the Deep” and a recording of Aretha Franklin singing “Rolling in the Deep” are two distinct works. The song itself (i.e., the music and the lyrics) is a musical composition, and a recording of an artist performing that song is a sound recording.

In most cases, a musical composition and a sound recording must be registered separately with the Copyright Office. However, in limited circumstances, a sound recording and its underlying musical composition can be registered with one application, filing fee, and deposit. For information about registering a sound recording, see [Circular 56](#). For information about registering a musical composition together with a sound recording, see [Circular 56A](#).

Copyright Registration

To register a claim to copyright in a musical composition, you must submit the following to the Copyright Office: (1) a completed application form; (2) a nonrefundable filing fee; and (3) the required “deposit copies” of your work. This circular highlights issues common to registrations of musical compositions. For more guidance on registering a musical composition, see [chapter 800](#), section 802.9, of the *Compendium*. For general registration information, see *Copyright Registration (Circular 2)*.

NOTE: Copyright Office fees are subject to change. For current fees, see *Copyright Office Fees (Circular 4)*, available on the Office’s website at www.copyright.gov or call the Office at (202) 707-3000 or 1-877-476-0778 (toll free).

Mistakes in applications lead to delays in registration, so it is important to complete the application accurately. Instructions for completing an online application appear in the “help” text that accompanies the application. Here are some tips regarding common points of confusion.

Type of Work

- At the beginning of the application, select “Work of the Performing Arts” on the “Type of Work” screen. The questions in the application are based on the type of work you select. If you select the wrong option, you will need to start over.

Title

- Provide the title of the musical composition you are registering exactly as it appears on the work itself.
- If you are registering multiple musical compositions as an unpublished collection, provide a title for the collection as a whole and the title of each individual work within the collection (see “Multiple Musical Compositions” below).
- If you are registering a musical composition contained within a larger work, such as an album, provide the title of the musical composition as the “Title of Work Being Registered” and the album title as the “Title of Larger Work.”

Publication

“Publication” occurs when copies or phonorecords of a work are distributed to the public by sale or other transfer of ownership or by rental, lease, or lending. Publication also occurs when a copyright owner offers to distribute copies or phonorecords of a work to a group of persons for the purpose of further distribution or public performance. A public performance of a musical composition does not, in and of itself, constitute publication.

- If the work has not been published, state that the work is “unpublished.”
- If the work has been published, give the month, day, and year that the copies or phonorecords were first distributed to the public or first offered to a group of persons for further distribution or public performance.

Year of Completion

The year of completion is the year in which the version of the work you are registering was first fixed in writing or recorded in any other tangible form.

- If you are registering a work that was written or recorded over a period of time, or a work that constitutes a new version of an earlier work, give the year of completion of the final work or new version.

Author

The author of a musical composition is the person who wrote or created the music and lyrics, if any, unless a work is a work made for hire.

- If the music was created as a work made for hire, give the name of the employer, not the person who actually created the music.

NOTE: Check “Made for Hire” only if the work was prepared by an employee within the scope of his or her employment or commissioned by a third party (1) as a contribution to a compilation or a collective work, (2) as part of a motion picture or other audiovisual work, or (3) as a musical arrangement with an express written agreement signed by both parties that the work would be considered a work made for hire. For more information, see *Works Made for Hire (Circular 30)*.

Type of Authorship

- Specify what the author created in the copy or phonorecord that accompanies the application.
- If you are registering a musical composition, you can describe authorship in terms of the lyrics, the music, and/or the musical arrangement.
- If you are also registering artwork, photographs, or liner notes that appear on the copy or phonorecord, include a brief statement to that effect in the “Other” field.
- If you are registering a compilation or a collective work, such as an album, describe the authorship and the material included in the claim by stating “Compilation of Musical Compositions” in the “Other” field.

NOTE: Do not include elements that are not present in the copy or phonorecord. Do not include elements that are not protected by copyright, such as ideas, concepts, names, or titles.

Limitation of Claim

- If you are registering a derivative musical work, identify the preexisting material in the “Material Excluded” field, and identify the new material in the “New Material Included” field. If the preexisting material has been registered with the Copyright Office, include the registration number and year. Complete this space only if the work being registered contains an appreciable amount of material that
 - » was previously published;
 - » was previously registered in the U.S. Copyright Office;
 - » is in the public domain; or
 - » is not part of this claim.

Leave this space blank if the work does not contain an *appreciable* amount of any of this kind of material. For more information, see **chapter 500**, section 507 of the *Compendium*.

Deposit Requirements

To register your musical composition, you must send a copy of the work to the Copyright Office. This deposit should be a complete copy of the work being registered. A “complete” copy means that the deposit is legible, is assembled in orderly form, is labeled with the title of the work, and includes everything to be covered by the registration. How you submit your deposit, and the number of copies required, depends on whether the work is unpublished, published solely in a digital form, or published in physical form. Once a deposit has been submitted, it becomes part of the public record and cannot be returned.

Unpublished Works and Digital-Only Published Works

You must submit one complete copy of the work if the work is unpublished or published solely in a digital form, such as a song that is only distributed online. The Copyright Office strongly encourages you to submit the deposit for these types of works as a digital file uploaded through the electronic registration system. Do not submit a physical copy or a phonorecord, such as a score, a CD, a flash drive, or other physical storage device. Each file must be uploaded in an acceptable format not to exceed 500 MB.

Works Published in Physical Form

In general, you must submit two complete *copies* (rather than phonorecords) of the best edition of the musical work. In practical terms, this means that if the work was published in a print format, such as sheet music, you must submit two copies in that format. Works published *only* as a sound recording or only as part of a motion picture soundtrack are subject to special deposit requirements, discussed below.

Printed Music

- For musical compositions first published in printed form (such as a score, book, or manuscript), or published in both a phonorecord and in printed form, submit two complete copies of the best edition (see below).

- For a musical composition published only by rental, lease, or lending, you may submit one complete copy of the best edition. You can submit a full score or conductor’s score. If there is a score and individual parts, only the score is required as the deposit.
- For a printed musical composition first published outside the United States, you can submit one complete copy of the score as first published (or one complete copy of the best edition, if also published in the United States).

Phonorecords

- For musical compositions first published *solely* in a physical phonorecord (such as an album, disc, or tape), you can upload one digital copy through the electronic registration system or submit one physical copy of the phonorecord.
- For a musical composition published as a single contribution to a collective work, such as an album, you may upload a digital copy of the contribution or submit one complete copy of the collective work.

Motion Picture Soundtrack

- For a musical composition published only in a motion picture soundtrack, submit identifying material consisting of a transcription of the musical work, such as a score, or one copy of the entire musical work as a phonorecord. In addition, submit photographs or other reproductions from the motion picture showing the title of the motion picture and any credits or copyright notice for the soundtrack.

To submit a physical copy of your work after completing an online application, print a shipping slip from the “Submit Your Work” screen and send it with your deposit in the same package to the address on the shipping slip. To submit a physical copy of your work with a paper Form PA, send the deposit in the same package with the application and the filing fee to the address on the form.

Best Edition

A “best edition,” for purpose of mandatory deposit, is the edition published in the United States at any time before the date of deposit that the Library of Congress determines most suitable for its purposes. In the case of musical compositions, the Office has only set forth best edition requirements for works published in print formats, such as sheet music. Compositions published only as sound recordings or as part of a motion picture are not subject to the best edition requirement. If there are multiple printed formats, you must decide which format constitutes the “best edition.” Use the following criteria to identify the highest-quality edition. For more information, see *Best Edition of Published Copyrighted Works for the Collections of the Library of Congress* ([Circular 7B](#)).

A. Fullness of Score

1. Vocal music
 - a. With orchestral accompaniment —
 - i. Full score and parts, if any, rather than conductor’s score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to full score only.)

- ii. Conductor's score and parts, if any, rather than condensed score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to conductor's score only.)
 - b. Unaccompanied: Open score (each part on separate staff) rather than closed score (all parts condensed to two staves)
 - 2. Instrumental music
 - a. Full score and parts, if any, rather than conductor's score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to full score only.)
 - b. Conductor's score and parts, if any, rather than condensed score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to conductor's score only.)
- B. Printing and Paper
- 1. Archival-quality rather than less-permanent paper
- C. Binding and Packaging
- 1. Special limited editions rather than trade editions
 - 2. Bound rather than unbound
 - 3. If editions have different binding, apply the criteria in I.A.2–I.A.12, in Circular 7B.
 - 4. With protective folders rather than without

Multiple Musical Compositions

As a general rule, you must submit a separate application, filing fee, and deposit for each work you want to register. However, the Copyright Office offers an accommodation for unpublished collections. You can register two or more unpublished songs, song lyrics, or other musical works with one application and fee if your collection meets certain requirements: at least one author must have created or co-created all of the compositions, and the claimant for each composition must be the same person or organization. Copyright belongs to the author and can be transferred only by a written agreement or other legal means. If there has been no transfer, and the songs you want to register are by different authors, the collection does not qualify for registration with one application.

In the following examples, Al can register unpublished musical works using one application.

- 1. Al wrote the music, and Sue wrote the lyrics to each of eight songs.
- 2. Sue wrote the music, and Al and Larry wrote the lyrics to each of four songs.

In the following examples, Al cannot register unpublished musical works using one application.

- 1. Al wrote the lyrics and music to three songs and co-wrote lyrics and music to four songs with Sue. No transfer has taken place.
- 2. Sue wrote the music for six songs. Al wrote the lyrics to two of the songs, and Larry wrote the lyrics to four of the songs.

When completing an application for multiple unpublished musical compositions, give a title for the collection as a whole. This title should also appear on the deposit copy or phonorecord. You may also give titles for the individual musical compositions. In addition, name all the individuals who contributed authorship to the musical works in the collection. If the authors are members of a performing group, you may state this after each name. Naming a performing group as the author without naming the individual members who created the works is not sufficient. For more information about registration of unpublished collections, see *Multiple Works* (**Circular 34**).

NOTES

1. This circular is intended as an overview of copyright registration for musical compositions. The authoritative source for U.S. copyright law is the Copyright Act, codified in Title 17 of the *United States Code*. Copyright Office regulations are codified in Title 37 of the *Code of Federal Regulations*. Copyright Office practices and procedures are summarized in the third edition of the *Compendium of U.S. Copyright Office Practices*, cited as the *Compendium*. The copyright law, regulations, and the *Compendium* are available on the Copyright Office website at www.copyright.gov.
2. 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, a vinyl disc, or a compact disc. A phonorecord does not include sounds accompanying a motion picture or other audiovisual work.

For Further Information

By Internet

The copyright law, the *Compendium*, electronic registration, application forms, regulations, and related materials are available on the Copyright Office website at www.copyright.gov.

By Email

To send an email inquiry, click the *Contact Us* link on the Copyright Office website.

By Telephone

For general information, 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, Eastern time, Monday through Friday, except federal holidays. To request application forms or circulars by postal mail, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

By Regular Mail

Write to

Library of Congress
U.S. Copyright Office
Publications Section
101 Independence Avenue, SE #6304
Washington, DC 20559-6304

