

OVERVIEW OF THE REGISTRATION PROCESS

Contents

| | | |
|-------------|--|----|
| 201 | What This Chapter Covers | 1 |
| 202 | Purposes and Advantages of Registration | 2 |
| 202.1 | Types of Registrations | 3 |
| 202.2 | Registration Distinguished from Preregistration | 3 |
| 202.3 | Registration Distinguished from Recordation | 3 |
| 203 | Timing of Registration | 4 |
| 204 | Required Elements for Registration | 4 |
| 204.1 | Completed Application | 4 |
| 204.1(A) | Online Application | 5 |
| 204.1(B) | Paper Applications | 6 |
| 204.1(B)(1) | By Mail or Commercial Carrier | 7 |
| 204.1(B)(2) | By Courier | 7 |
| 204.1(B)(3) | By Hand Delivery | 7 |
| 204.2 | Filing Fee | 7 |
| 204.3 | Deposit Copy(ies) | 8 |
| 204.3(A) | Deposit Copy(ies) Submitted in Electronic Format | 9 |
| 204.3(B) | Deposit Copy(ies) Submitted in Physical Format | 9 |
| 205 | Privacy | 10 |
| 206 | General Overview of the Examination Process | 11 |
| 207 | Special Handling | 11 |
| 208 | Withdrawing an Application | 12 |
| 209 | The Certificate of Registration and the Effective Date of Registration | 12 |
| 210 | When Does a Registration Expire? | 12 |
| 211 | Registration Refused After Examination | 13 |
| 212 | General Policies Regarding Inaccuracies and Misrepresentations | 13 |
| 212.1 | Material Misrepresentations | 13 |
| 212.2 | Immaterial Inaccuracies in the Application | 14 |
| 212.3 | Errors or Omissions in a Certificate of Registration | 14 |

212.4 Cancellation 14
213 The Registration Process at a Glance 14

OVERVIEW OF THE REGISTRATION PROCESS

201 What This Chapter Covers

This Chapter provides a general overview of the copyright **registration** system and the practices and procedures for submitting an application to register a work created or first **published** on or after January 1, 1978. For a chart that illustrates the entire registration process at a glance, see Section **213**.

For a detailed discussion of the U.S. Copyright Office's registration practices, see the following chapters:

- For the practices and procedures for examining copyright **claims**, see **Chapter 600**.
- For the practices and procedures for registering certain groups of works, see **Chapter 1100**.
- For a general discussion of filing fees and applications, including the Single Application, which may be used to register one work by one author, see **Chapter 1400**.
- For the practices and procedures for correcting or amplifying the information in an existing copyright registration and for asserting an adverse claim to copyright, see **Chapter 1800**.
- For the practices and procedures for the **renewal** of copyright claims, see **Chapter 2100**.

For a detailed discussion of the Office's practices and procedures for specific types of works, see the following chapters:

- For **literary works**, see **Chapter 700**.
- For **works of the performing arts**, see **Chapter 800**.
- For visual art works, see **Chapter 900**.
- For websites and website content, see **Chapter 1000**.
- For **mask works**, see **Chapter 1200**.
- For **vessel designs**, see **Chapter 1300**.
- For **foreign works**, see **Chapter 2000**.

202 Purposes and Advantages of Registration

Under the current copyright law, a work of authorship is protected by copyright from the moment it is created, provided that the work is original and has been **fixed** in a tangible medium of expression. See **17 U.S.C. §§ 102(a), 408(a)**. Although registration is not required for a work to be protected by copyright, it does provide several important benefits:

- A registration creates a public **record** that includes key facts relating to the authorship and ownership of the claimed work, as well as information about the work, such as title, year of creation, date of **publication** (if any), and the type of authorship that the work contains (e.g., photographs, text, **sound recordings**).
- Registration (or a refusal to register) is a prerequisite to filing a lawsuit for copyright **infringement** involving a U.S. work. See **17 U.S.C. § 411(a)**; see also *Petrella v. Metro-Goldwyn-Mayer, Inc.*, 132 S. Ct. 1962, 1977 (2014) (“Although registration is ‘permissive,’ both the certificate and the original work must be on file with the Copyright Office before a copyright owner can sue for infringement.”); *Alaska Stock, LLC v. Houghton Mifflin Harcourt Publishing Co.*, 747 F.3d 673, 678 (9th Cir. 2014) (“Though an owner has property rights without registration, he needs to register the copyright to sue for infringement.”).
- To claim statutory damages or attorney’s fees in a copyright infringement lawsuit, a work must be registered before the infringement began or within three months after the first publication of the work. See **17 U.S.C. §§ 412(c), 504, 505**.
- A registration constitutes *prima facie* evidence of the validity of the copyright and the facts stated in the **certificate of registration**, but only if the work is registered before or within five years after the work is first **published**.
- A registration provides information to prospective licensees, such as the name and address for obtaining permission to use the work.
- A document that has been recorded with the U.S. Copyright Office may provide constructive notice of the facts stated therein, but only if the document specifically identifies a work of authorship and only if that work has been registered. See **17 U.S.C. § 205(c)(1)-(2)**.
- The **deposit copy(ies)** submitted with an application for registration of a published work may satisfy the mandatory deposit requirement, provided that the **applicant** submitted the **best edition** of the work. See **17 U.S.C. §§ 407, 408(b)**.
- A registration is necessary to secure the full benefits of a **preregistration** that has been issued by the U.S. Copyright Office. See **17 U.S.C. § 408(f)(3)**.
- The U.S. Customs and Border Protection Service may seize foreign pirated copies of a copyright owner’s work, provided that the work has been registered with the U.S. Copyright Office and the certificate of registration has been recorded with the U.S. Customs and Border Protection Service.
- “To be entitled to receive royalties under [the section 115] compulsory license, the copyright owner must be identified in the registration or other public records of the Copyright Office.” See **17 U.S.C. § 115(c)(1)**.

202.1 Types of Registrations

The U.S. Copyright Office registers claims to copyright in works of authorship. As a general rule, the Office will issue one registration for each work that is submitted for registration. Generally, the Office will not issue separate registrations for the constituent elements or individual components of a work of authorship. And as discussed [Chapter 500](#), Section 503.1(A), the Office generally will not issue separate registrations to each author who contributed copyrightable expression to the work.

The U.S. Copyright Office currently offers the following types of registrations:

- *Basic registrations.* An application for a **basic registration** is used to register a copyright **claim** in a work created or first **published** on or after January 1, 1978, and covers the full term of the copyright. This type of registration may be obtained with a Standard Application or a Single Application (provided certain eligibility requirements have been met), or a paper application. For a discussion of these applications, see [Chapter 1400](#), Sections 1402.4 and 1402.5.
- *Group registrations.* An application for a **group registration** is used to register a claim to copyright in a group of related works that qualify for a single registration. See [17 U.S.C. § 408\(c\)\(1\), \(2\)](#). For a detailed discussion of group registration, see [Chapter 1100](#).
- *Supplementary registration.* An application for a **supplementary registration** may be used to correct or amplify the information in a basic or **renewal registration**. [17 U.S.C. § 408\(d\)](#). For a detailed discussion of supplementary registration, see [Chapter 1800](#), Section 1802.
- *GATT registration.* An application for a **GATT registration** is used to register a copyright claim in a work in which U.S. copyright was restored by the 1994 **Uruguay Round Agreements Act** (URAA). See Uruguay Round Agreements Act, 103 P.L. 465, 108 Stat. 4809 (1994) (codified as amended at [17 U.S.C. § 104A](#)). For a discussion of GATT registration, see [Chapter 2000](#), Section 2007.
- *Renewal registration.* An application for a **renewal registration** is used to cover the **renewal** term for works copyrighted before January 1, 1978. See [17 U.S.C. § 304](#). For a detailed discussion of renewal registration, see [Chapter 2100](#).

202.2 Registration Distinguished from Preregistration

Preregistration is a special service that is intended for specific types of works that are likely to be infringed before they are completed or before they are released for commercial distribution, such as feature films. A preregistration is not the same as registration and the vast majority of **applicants** would not benefit from this service. Applicants should reflect carefully on whether preregistration is necessary in a specific case. For more information on preregistration, see [Chapter 1600](#).

202.3 Registration Distinguished from Recordation

Registration and **recordation** are two separate procedures: **claims** to copyright are registered, while documents related to copyright claims, such as agreements to **transfer** or grant a mortgage in copyrights, are recorded. As discussed in Section [204](#), an **applicant** must submit an application, deposit copy(ies), and a **filing fee** to register a claim to copyright, and together these items

are the primary source of information for the claim. As a general rule, the applicant does not need to submit additional documents substantiating the information provided in these materials.

Registering a claim to copyright is not a substitute for recording a document with the U.S. Copyright Office, and recording a document is not a substitute for registering a claim to copyright. See [17 U.S.C. § 205](#). For a detailed discussion of the practices and procedures for recording a document with the Office, see [Chapter 2300](#).

203 Timing of Registration

Registration may be made at any time before the copyright has entered the **public domain**. See [17 U.S.C. §§ 302-305](#) and [408\(a\)](#). Generally speaking, a copyrighted work enters the public domain in the United States when “its full copyright term has expired.” *Golan v. Holder*, 565 U.S. 302, 307 (2012).

Although registration may be made at any time before a copyright expires or any time before bringing an **infringement** action in federal court, the U.S. Copyright Office strongly encourages copyright owners to submit their works for registration in a timely manner. As discussed in [Section 202](#), a registration is a prerequisite for seeking statutory damages and attorney’s fees in an infringement action. To pursue these remedies, an **unpublished** work must be registered before the infringement occurs, while a **published** work must be registered within three months after **publication** or before the infringement occurs. See [17 U.S.C. § 412](#). Moreover, if the work is registered before or within five years after the work is first published, the registration constitutes *prima facie* evidence of the validity of the copyright and the facts stated in the **certificate of registration**.

204 Required Elements for Registration

To register a **claim** to copyright, an **applicant** must submit the following items to the U.S. Copyright Office:

- Completed application;
- Full filing fee; and
- The requisite deposit copy(ies) of the work.

A general discussion of each of these elements is set forth in [Sections 204.1](#) through [204.3](#) below. For detailed information on the practices and procedures for completing the application, see [Chapter 600](#). For detailed information on the requirements for the filing fee, see [Chapter 1400](#), [Section 1403](#). For detailed information on the requirements for deposit copy(ies), see [Chapter 1500](#).

204.1 Completed Application

An **applicant** must use the official applications provided by the U.S. Copyright Office. Most **claims** may be submitted online by using the Office’s electronic registration system, and in some cases applicants are required to use the online application to seek a registration.

Applicants generally may submit a paper application as an alternative to using the electronic system, although applicants are required to use a paper application for certain types of claims.

Each type of application is discussed in Sections [204.1\(A\)](#) and [204.1\(B\)](#) below.

204.1(A) Online Application

The U.S. Copyright Office's electronic registration system may be accessed from the Office's [website](#).

The Office strongly encourages **applicants** to use the online application whenever possible. The benefits to filing an online application include:

- *Lower filing fees for online applications:* The **filing fee** for an online application is lower than the filing fee for a paper application. For a list of the current filing fees, see the Office's **fee schedule**.
- *Faster processing:* The Office typically processes electronic **claims** three to six months sooner than non-electronic claims. Current processing times are listed on the Office's **website**.
- *Multiple options for paying the filing fee:* An applicant may pay the filing fee for an online application by credit card, debit card, electronic check, or with a U.S. Copyright Office deposit account, while in most cases an applicant may pay the filing fee for a paper application only by check, money order, or deposit account.
- *Easier submission of the deposit copy(ies):* For certain types of works, the applicant may upload deposit copy(ies) directly to the online system as an electronic file, instead of having to submit physical deposit copies through the mail. The Office lists the acceptable file types on its **website**. If the work is **published** in hard copy form, the applicant may be required to mail a physical copy to the Office, but filing the application electronically will expedite processing.
- *The ability to track the status of the application:* After submission, the online system allows the applicant to log in and see whether the online application is still pending or whether it has been registered and closed.

For detailed information on completing an online application, see [Chapter 600](#). For information on completing an online application for a group of unpublished works, a group of serials, newspapers, or newsletters, a group of contributions to periodicals, a group of photographs, a group of secure test items, or a group of updates or revisions to a database predominantly consisting of photographs, see [Chapter 1100](#), Sections 1107 through 1114. For information on completing an online application for a supplementary registration, see [Chapter 1800](#), Section 1802.8(A).

Once the online application has been submitted, the Office automatically issues an email confirming that the application has been received. If there are issues regarding the claim, a **registration specialist** may communicate with the applicant via telephone, email, or mail to address those issues. For more information on communications between the Office and the applicant, see [Chapter 600](#), Section 605.

204.1(B) Paper Applications

At this time, **applicants** must use a paper application to apply for some types of registrations, namely:

- A registration for a group of updates or revisions to a **database** that does not consist predominantly of photographs.
- **Renewal registrations.**
- **GATT registrations.**
- A **supplementary registration** that corrects or amplifies the information in a renewal registration, a GATT registration, or a registration for a database that does not consist predominantly of photographs.
- **Mask work** and **vessel design** registrations.

In such cases, the applicant must submit a paper application using the appropriate form. For detailed information on these types of paper applications, see **Chapter 1400**, Section 1405, 1407.4, 1407.7, and 1408 through 1410.

In all other cases, the Office strongly discourages applicants from using paper applications for the reasons discussed in Section **204.1(A)**.

Applicants may download paper applications from the Office's **website**, or request the forms from the Public Information Office via email, fax, telephone, or in person. Once completed, the applicant may submit the paper application, along with the required **deposit copy(ies)** and **filing fee**, to the Office by mail, commercial carrier, courier, or hand delivery.

For general information on how to complete a paper application, see the instructions provided with each form. For specific information on how to complete each space of a paper application, see **Chapter 600**. For information on how to submit a paper application by mail, commercial carrier, courier, or hand delivery, see Sections **204.1(B)(1)** through **204.1(B)(3)** below.

The address for submitting a paper application, **filing fee**, and **deposit copy(ies)** to the U.S. Copyright Office is set forth in space 9 of the paper application in the space marked "Mail To," which may be found at the bottom of every paper application.

Be advised that all packages that are submitted to the Office by mail, commercial carrier, or courier will be screened for the presence of anthrax and other deadly contaminants. This screening will delay the delivery of the registration materials, and, in some cases, it could possibly damage the deposit copy(ies), which may cause additional delays. For more information on this screening procedure, see **Chapter 1500**, Section 1508.6.

204.1(B)(1) By Mail or Commercial Carrier

A paper application may be sent to the U.S. Copyright Office by mail or by a commercial carrier, such as Federal Express or United Parcel Service. The delivery address is set forth in space

9 of the application in the space marked “Mail To,” which may be found at the bottom of every paper application.

204.1(B)(2) By Courier

To submit a paper application, **filing fee**, and **deposit copy(ies)** by courier, an **applicant** must include all of the required elements in a single package and deliver it to the Congressional Courier Acceptance Site (“CCAS”), which is located at 2nd and D Streets NE, Washington, DC. This location is open Monday through Friday from 8:30 a.m. to 4:30 p.m. Eastern Time, except for **federal holidays**.

Items delivered to this location typically are sent to the U.S. Copyright Office the next working day. Registration materials submitted through a courier service do not receive a dated receipt from the Office but instead will receive one dated by CCAS. The Office considers the CCAS date of receipt as the date of receipt in the Office.

204.1(B)(3) By Hand Delivery

To submit a paper application, **filing fee**, and **deposit copy(ies)** in person, an **applicant** must deliver all of the required elements to the U.S. Copyright Office’s Public Information Office. This Office is open to the public Monday through Friday, from 8:30 a.m. to 5:00 p.m. Eastern Time, except **federal holidays**, and is located at the following address:

Public Information Office (PIO)
Library of Congress, United States Copyright Office
James Madison Memorial Building, Room LM-401
101 Independence Avenue SE
Washington DC 20559

An applicant who delivers registration materials to the Public Information Office will receive a date-stamped receipt that lists the title of no more than one of the works listed in the application.

NOTE: Visitors to the U.S. Copyright Office must pass through security before entering the building. Sealed packages or packages that are more than twenty-four inches wide by fifteen inches high are not permitted.

204.2 Filing Fee

The current **filing fees** for online and paper applications are set forth in the U.S. Copyright Office’s **fee schedule**, which is posted on the Office’s **website**. All filing fees are subject to change. For information concerning the types of payments that the Office will accept, see **Chapter 1400**, Section 1403.4.

If the applicant fails to submit the correct filing fee, a member of the Office’s staff will notify the applicant in writing. If the applicant submits the correct filing fee within the specified time frame, the effective date of registration will be changed to reflect the date that the funds were received. If the Office does not receive the correct filing fee within the specified time frame, the Office will close the file. If the applicant wishes to resubmit the claim, the applicant must file a

new application, new deposit copy(ies), and the correct filing fee. The effective date of registration for a new claim will be based on the date that the new submission is received by the Office.

For a discussion of the effective date of registration, see Section 209 below. For a discussion of the Office’s practices and procedures for closing a file for failure to respond to a written communication, see Chapter 600, Sections 605.7 and 625.3(B).

204.3 Deposit Copy(ies)

The term “deposit” is frequently misunderstood. It refers to the copy or copies of a work that are submitted to the U.S. Copyright Office. It does not refer to the filing fee that must be paid in order to register a work with the Office.

As a general rule, the **applicant** must submit a complete copy or copies of the work to register a **claim** to copyright. In certain cases, the U.S. Copyright Office may accept **identifying material** in lieu of a complete copy, or the Office may grant special relief from the deposit requirements. (For a definition and discussion of identifying material and special relief, see Chapter 1500, Sections 1506 and 1508.8.) As discussed above, the **deposit copy(ies)** for a **published** work also may satisfy the mandatory deposit requirement for certain works that are published in the United States.

If the applicant fails to submit a complete copy of the work, fails to submit sufficient identifying material, and/or fails to obtain special relief from the deposit requirements, the registration specialist will communicate with the applicant. If the Office does not receive the correct deposit within the specified time frame, the specialist will close the file. If the applicant wishes to resubmit the claim, the applicant must file a new application, new deposit copy(ies), and the correct filing fee. The effective date of registration for a new claim will be based on the date that the new submission is received by the Office.

In specific instances, the deposit copy(ies) may be submitted in digital or physical format. The deposit copy(ies) must conform to certain requirements depending on the type of work, the deposit requirements, and whether the work is published or unpublished. As a general rule, the deposit copy(ies) should be clear and should contain all the authorship that the applicant intends to register. An application submitted with an incomplete or unclear deposit copy(ies) will be delayed until the Office receives a complete and/or clear copy. Delays due to incomplete and/or unclear deposit copy(ies) may affect the **effective date of registration**, which is discussed in Section 209 below.

Once the Office receives the registration materials, a **registration specialist** will examine the deposit copy(ies) to determine if the work is eligible for registration. The Office will not return the deposit copy(ies) or the identifying material to the applicant.

General information on the procedure for submitting the deposit copy(ies) in digital or physical format is set forth in Sections 204.3(A) and 204.3(B) below. For detailed information on the deposit requirements for registration and the mandatory deposit requirements, see Chapter 1500.

204.3(A) Deposit Copy(ies) Submitted in Electronic Format

The **applicant** may submit **deposit copy(ies)** electronically through the online registration system if the work meets any of the following requirements:

- The work is **unpublished**.
- The work has been **published** only in a digital format.
- The work has been published and **identifying material** is the appropriate **deposit** for that type of work. (For a detailed discussion of identifying material, see **Chapter 1500**, Section 1506.)
- The work is eligible for a group registration, and electronic copies must be submitted as a condition for using that option. (For a detailed discussion of the deposit requirements for a group registration, see **Chapter 1500** (Deposits).)

In all cases, the applicant must submit the deposit copy(ies) in an acceptable file format. The currently acceptable file formats are listed on the Office's **website**. If the applicant fails to comply with this requirement, the registration specialist will refuse registration if the claim was received on or after December 17, 2017. If the claim was received before that date, the specialist may ask the applicant to resubmit the work in an acceptable format. This will delay the examination of the **claim** and result in a later effective date of registration. The Office will not establish an **effective date of registration** until the Office receives a file type that can be opened and examined by a **registration specialist**.

If the work does not meet the requirements listed above, the applicant must submit deposit copy(ies) in a physical format. For a discussion of the procedure for submitting the deposit copy(ies) in physical format, see Section **204.3(B)** below.

204.3(B) Deposit Copy(ies) Submitted in Physical Format

Physical **deposit copies** should be submitted to the U.S. Copyright Office by mail, commercial carrier, courier, or hand delivery if (i) the work does not meet the requirements listed in Section **204.3(A)**, (ii) the **applicant** is submitting a paper application rather than an online application, or (iii) if the applicant prefers to submit the deposit copy(ies) in a physical format rather than a digital format.

When completing an online application, the applicant will be given an opportunity to print a deposit copy **shipping slip** that corresponds to the online application. The applicant must print the shipping slip, attach it to each deposit copy, and send all of these items in a single package to the address specified on the shipping slip. (For further information concerning this procedure, see **Chapter 600**, Section 625.2(D) and **Chapter 1500**, Sections 1508.2 through 1508.5.) In such cases, the **effective date of registration** is based on the date the Office receives the deposit copy(ies) along with the corresponding shipping slip. If an applicant does not include the shipping slip with each mailed physical deposit the Office will not be able to connect the deposit to an application.

When submitting a paper application, an applicant should send the completed application, proper **filing fee**, and complete and clear deposit copy(ies) in a single package to the address specified in space 9 marked "Mail To," which may be found at the bottom of every paper application.

205 Privacy

The **applicant** should not provide any private or confidential information in the application that is not required for registration. All of the information that the applicant provides in the application is a permanent part of the public record, and the U.S. Copyright Office generally cannot remove any information from the public record once a registration has been issued.

Section 705(a) of the Copyright Act requires the Register of Copyrights to prepare and maintain “records of **deposits**, registrations, **recordations**, and other actions” taken by the Office. **17 U.S.C. § 705(a)**. **Section 705(b)** states that all records maintained by the Office in connection with a completed copyright registration “shall be open to public inspection.” **17 U.S.C. § 705(b)**.

With regard to copyright registrations, the Office requests and receives personally identifiable information (“PII”), such as birth dates, addresses, and telephone numbers. The collection of certain types of PII is mandated by statute or regulation, while other requested information is optional for the applicant to provide. See **17 U.S.C. § 409**. Both types of information are collectively referred to as “Requested PII.”

The Office will make information provided in a copyright application available to the general public upon request, and much of this information will be available on the Internet through the Office’s online database. For an example of the type of information that is typically displayed in the Office’s online database, see the **privacy page** on the Office’s **website**.

The Office does not request, but sometimes receives, additional PII, such as driver’s license, social security, and credit card numbers. This type of information is unnecessary for copyright registration and is referred to in the Office’s regulations as “extraneous PII.” See **37 C.F.R. § 201.2(f)**.

Applicants should not provide extraneous PII in an application. To protect the privacy of applicants, the Office may remove this type of information from an application during the examination process on its own initiative. If extraneous PII is included within the Office’s public records, an author or claimant may request removal of this information in accordance with the Office’s regulations. There is no fee for this service. See *id.*

Additionally, applicants should not provide any other types of private or confidential information in the application that is not required for registration, because it may also be included in the Office’s online and offline public records.

Before submitting an application, an applicant should consider whether to include a nickname, alias, or other personal information that is not required for registration. For example, providing the name, address, telephone number, and email address of the person who should be contacted for permission to use the work is optional, and the Office will accept an application even if an applicant leaves the Rights and Permissions section blank. Although an applicant is encouraged to provide contact information for rights and permission purposes, it is important to understand that if the applicant completes this portion of the application, the Office will include this information in the online database.

If an applicant wants to provide contact information for persons who may be interested in using the work — but does not want to provide a home address or other personal information — the applicant should consider providing the name of a designated agent, a P.O. Box, or a designated email address in the Rights and Permissions field of the application.

Modification of the information in the Office’s online public record (but not its offline public record) is available where the author or claimant submits a written request to remove or replace non-personally identifiable information for certain types of Requested PII (such as replacing a home address with a P.O. Box number), and pays the appropriate fee for this service. See 37 C.F.R. §§ 201.1(c)(8), 201.2(e).

See generally **Removal of Personally Identifiable Information From Registration Records**, 82 Fed. Reg. 9004 (Feb. 2, 2017).

206 General Overview of the Examination Process

Once the U.S. Copyright Office receives the application, **deposit copy(ies)**, and **filing fee**, the application and deposit copy(ies) will be sent to the Registration Program, where they will be assigned to a **registration specialist**. The specialist will examine these materials to determine whether the work constitutes **copyrightable** subject matter and if the **applicant** has met the other legal and formal requirements, including those set forth in the Copyright Act, the Copyright Office regulations, and the *Compendium of U.S. Copyright Office Practices*. See 17 U.S.C. § 410(a). For detailed information on this process, see **Chapter 600**.

207 Special Handling

Special handling is a procedure for expediting the examination of an application to register a **claim** to copyright. There is an additional fee for this expedited service. For information concerning this fee, see the Office’s **fee schedule**.

The U.S. Copyright Office offers this service in certain circumstances where a copyright owner or other interested parties have a compelling reason for an expedited decision on a pending application. Special handling may be requested for an online application or a paper application in the following circumstances:

- Pending or prospective litigation;
- Customs matters; or
- Contract or publishing deadlines that necessitate the expedited issuance of a certificate of registration.

A request for special handling may be made when the claim is submitted to the Office or any time before the Office issues a certificate of registration or a refusal. Once it has received and approved a request for special handling, the Office will make every attempt to process the application within five business days, although the Office cannot guarantee that it will process all special handling applications within that time frame, particularly if the claims present issues requiring correspondence.

For detailed information on special handling, see **Chapter 600**, Section 623.

208 Withdrawing an Application

An **applicant** may submit a request to withdraw a pending application at any time before the U.S. Copyright Office has issued a certificate of registration or has refused to register the **claim**. The request should be made in writing and it should explain why the applicant is seeking to withdraw the claim.

The request should be addressed to the “Associate Register of Copyrights and Director of Registration Policy & Practice.” The applicant may email the request to the registration specialist who has been assigned to the claim. Alternatively, the applicant may mail the request to the following address:

Associate Register of Copyrights and
Director of Registration Policy & Practice
Registration Program
U.S. Copyright Office
101 Independence Avenue SE
Washington, DC 20559

The Office will use its discretion to decide whether to approve or deny a timely withdrawal request. In making this decision, the Office will balance the interest of the applicant with the public interest in maintaining the integrity of the registration record. The Office does not routinely grant withdrawals, particularly where the request is made merely to avoid a refusal to register.

In the event that the Office approves a withdrawal request, the Office will not refund the **filing fee** and will not return the **deposit copy(ies)**. The Office will not reinstate an application once it has been withdrawn. If the applicant wishes to resubmit the claim, the applicant must file a new application, new deposit copy(ies), and the correct filing fee. The **effective date of registration** for a new claim will be based on the date that the new submission is received by the Office.

209 The Certificate of Registration and the Effective Date of Registration

If the **applicant** appears to meet the legal and formal requirements, the U.S. Copyright Office will register the **claim**. The Office will issue a certificate of registration which contains much of the information that the applicant provided in the application. In addition, the Office will create an **online public record** for the registration, which may be accessed through the Office’s online database. See **17 U.S.C. § 410(a)**.

Both the certificate and the online public record contain a registration number and an **effective date of registration**. The effective date of registration is the date on which the Office received an acceptable application, complete **deposit copy(ies)**, and the proper **filing fee**. See **17 U.S.C. § 410(d)**. For detailed information on this topic, see **Chapter 600**, Section 625.

210 When Does a Registration Expire?

Registrations and renewal registrations issued under the current statute (the 1976 Act) expire when the work enters the public domain in the United States. As discussed in Section **203**, a copyrighted work enters the public domain in this country when the copyright term for that work has expired under U.S. law.

Registrations issued under the prior statute (the 1909 Act) expire at the end of the first twenty-eight years of the copyright term, and if the copyright is renewed, the renewal registration expires at the end of the renewal term. *See* Supplementary Registration, 81 Fed. Reg. 86,656, 86,660 n.23 (Dec. 1, 2016).

The fact that a work has entered the public domain in a foreign jurisdiction does not mean it has entered the public domain in the United States.

211 Registration Refused After Examination

The U.S. Copyright Office registers **claims** to copyright and issues certificates of registration only when an **applicant** appears to meet the legal and formal requirements set forth in the Copyright Act, the Copyright Office regulations, and the *Compendium of U.S. Copyright Office Practices*. *See* 17 U.S.C. § 410(a).

If the Office finds that an applicant has not met the legal requirements for copyright registration, the Office will refuse to register the claim and will specify the reasons for its decision. The Office will notify the applicant by sending a written communication signed or initialed by the registration specialist or supervisor assigned to the claim. The communication will be mailed to the address provided in the Correspondent field/space of the application. For examples of situations in which the Office will refuse to register a claim because of a failure to meet the legal and/or formal requirements, see **Chapter 600**, Section 608, and **Chapter 1500**, Section 1503.2.

An applicant may **appeal** a refusal to register a copyright claim. For more information on the appeals process, see **Chapter 1700**.

An applicant may institute a civil suit for copyright **infringement** even if the Office has refused to register a claim, provided that the applicant satisfies the requirements set forth in **Section 411(a)** of the Copyright Act. For information concerning this topic, see **Chapter 1700**, Section 1706.

212 General Policies Regarding Inaccuracies and Misrepresentations

212.1 Material Misrepresentations

Knowingly making a false representation of a material fact in an application for copyright registration, or in any written statement filed in connection with the application, is a crime that is punishable under 17 U.S.C. § 506(e).

212.2 Immaterial Inaccuracies in the Application

As a general rule, the **registration specialist** may ignore immaterial inaccuracies in the application that appear to be inadvertent and do not affect the registrability of the **claim**. For information concerning the U.S. Copyright Office's practices and procedures for dealing with inaccuracies in an application, see **Chapter 600**, Section 603.

212.3 Errors or Omissions in a Certificate of Registration

If the information set forth in the registration record is incorrect or incomplete, an **applicant** may be able to correct that error or omission by submitting an application for a **supplementary registration**, or under certain limited circumstances, by submitting a new application for a new **basic registration**. For a discussion of these procedures, see **Chapter 1800**, Sections 1802 and 1803.

212.4 Cancellation

If the U.S. Copyright Office discovers an error or omission in the registration record, it may contact the **applicant** to correct the error, or it may cancel the registration if warranted under the Office's cancellation regulations. See **37 C.F.R. § 201.7**. For a discussion of cancellation, see **Chapter 1800**, Section 1807.

213 The Registration Process at a Glance

The following chart illustrates the registration process from start to finish:

