

Introduction to Copyright Law: Seeking Protection for Your Work

Copyrights are more commonplace than most people realize. In fact, they are all around us. Copyrights are found in newspapers and magazines delivered to your home or offered in a kiosk on the street; they are found in the billboards and ads that you see on city buses; they are found in your child's finger painting hanging in your office and in your favorite contemporary artist's creation. Copyrights are also found in the stationery and postcards of your business; they are found in your website and laser artwork as well as the radio shows that you listen to and the television shows that you watch, whatever the language; they are even found in your grandmother's patterns for sewing, knitting, crochet and needlework. We are surrounded by copyrights everyday and yet so many of us do not understand what they are and how to protect them.

Copyright law has evolved into what it is today primarily due to the influence of publishers themselves, leading to practices and laws intended to limit as well as create monopolistic copyright protection since as early as 1710. Presently, a copyright can be defined as a form of protection by U.S. law to the authors of "original works of art." In this regard, original works must be tangible pictorial, graphic or sculptural works.

While the world of copyrights holds many things to be copyright protected, there are still certain things that are not copyrightable. For example, there can be no copyright protection in an idea, therefore, the idea for your next screenplay, photomontage or puzzle are not copyrightable. Neither are any of your concepts, discoveries, or principles. Likewise, mere typographic ornamentation, lettering or coloring are also not suitable for copyright protection. Another category of noncopyrightable material includes words, short phrases like names, titles and slogans are not copyrights and neither are familiar symbols or designs. These examples, however, while not eligible for copyright protection may be protected via patent or trademark protection.

Under present copyright law, which became effective January 1978, a work is automatically protected by copyright when it is *created*. A work is created when it is “fixed” in a copy or recorded for the first time. Therefore, neither registration in the Copyright Office, nor publication is required for copyright protection. While copyright creation may be automatic, filing a federal registration with the Copyright Office provides far better protection for your original work.

Federal registration is a powerful enforcement tool. It allows an individual access to courts to sue for copyright infringement. Without a

federal registration covering your work, you are virtually powerless to enforce your copyrights thereby allowing infringers to steal what does not rightfully belong to them. Moreover, timely registration of your original work may also provide a broader range of remedies in an infringement action, including statutory damages, costs and attorneys fees.

In addition, filing for copyright registration and marking your original work with the familiar international © symbol establishes a public record of the copyright claim, creating constructive knowledge of your copyright. The copyright symbol identifies you as the copyright owner and shows the year of first publication. Moreover, such constructive knowledge weakens an infringer's argument that he or she was unaware of the copyright owner's copyright. To see the symbol in use, see the caption at the end of this article.

Another positive benefit from obtaining federal registration is that the owner of a copyright registration may record that registration with United States Customs Service. The Customs Service will then monitor imports for potentially infringing copies of the covered work. Thus, the owner may be able to keep infringing works from even entering the United States.

Whether your original work is a book, manuscript, speech, game, visual art, motion picture, sound recording, musical composition, multi-

media works, computer program, serial, on-line work, photo, collective work
or other tangible item, know your rights and seek protection.

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