

WHAT YOU CAN COPYRIGHT

Literary Works

Your book, manuscript, online work, poetry or other text.

Your periodical, newspaper, magazine, or other similar work. Serial works are issued or intended to be issued in successive parts bearing numerical or chronological designations and are intended to be continued indefinitely.

Follow these steps to register your periodical, newspaper, magazine, or other similar work. Serial works are issued or intended to be issued in successive parts bearing numerical or chronological designations and are intended to be continued indefinitely.

Examples of serial works:

- periodicals
- newspapers
- magazines
- bulletins
- newsletters
- annuals
- journals
- proceedings of societies

Visual Art Works

Your pictorial, graphic, sculptural, or architectural work.

Examples of visual arts works:

- Advertisements, commercial prints, labels
- Artificial flowers and plants
- Artwork applied to clothing or to other useful articles
- Bumper stickers, decals, stickers
- Cartographic works, such as maps, globes, relief models
- Cartoons, comic strips
- Collages
- Dolls, toys
- Drawings, paintings, murals
- Enamel works
- Fabric, floor, and wallcovering designs
- Games, puzzles
- Greeting cards, postcards, stationery
- Holograms, computer and laser artwork
- Jewelry designs

- Models
- Mosaics
- Needlework and craft kits
- Original prints, such as engravings, etchings, serigraphs, silk screen prints, woodblock prints
- Patterns for sewing, knitting, crochet, needlework
- Photographs, photomontages
- Posters
- Record jacket artwork or photography
- Relief and intaglio prints
- Reproductions, such as lithographs, collotypes
- Sculpture, such as carvings, ceramics, figurines, maquettes, molds, relief sculptures
- Stained glass designs
- Stencils, cut-outs
- Technical drawings, architectural drawings or plans, blueprints, diagrams, mechanical drawings
- Weaving designs, lace designs, tapestries

Useful Articles

A “useful article” is an object having an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. Examples are clothing, furniture, machinery, dinnerware, and lighting fixtures. An article that is normally part of a useful article may itself be a useful article, for example, an ornamental wheel cover on a vehicle.

Copyright does not protect the mechanical or utilitarian aspects of such works of craftsmanship. It may, however, protect any pictorial, graphic, or sculptural authorship that can be identified separately from the utilitarian aspects of an object. Thus, a useful article may have both copyrightable and uncopyrightable features. For example, a carving on the back of a chair or a floral relief design on silver flatware could be protected by copyright, but the design of the chair or flatware itself could not.

Some designs of useful articles may qualify for protection under the federal patent law.

Copyright in a work that portrays a useful article extends only to the artistic expression of the author of the pictorial, graphic, or sculptural work. It does not extend to the design of the article that is portrayed. For example, a drawing or photograph of an automobile or a dress design may be copyrighted, but that does not give the artist or photographer the exclusive right to make automobiles or dresses of the same design.

Architectural Works

An original design of a building embodied in any tangible medium of expression, including a building, architectural plans, or drawings, is subject to copyright protection as

an architectural work. The work includes the overall form as well as the arrangement and composition of spaces and elements in the design but does not include individual standard features or design elements that are functionally required.

The term **building** means structures that are habitable by humans and intended to be both permanent and stationary, such as houses and office buildings, and other permanent and stationary structures designed for human occupancy, including but not limited to churches, museums, gazebos, and garden pavilions.

Performing Art Works

Your musical work, dramatic work, script, pantomime, choreography, motion picture, or other audiovisual work.

Make sure your work is a performing arts work. Performing arts works are intended to be “performed” directly before an audience or indirectly “by means of any device or process.” Included are (1) musical works, including any accompanying words; (2) dramatic works, such as scripts, including any accompanying music; (3) pantomimes and choreographic works; and (4) motion pictures and other audiovisual works.

Note: Performing arts registration is not the same as registering a sound recording.

Musical Works

Musical works include both original compositions and original arrangements or other new versions of earlier compositions to which new copyrightable authorship has been added.

Scripts

Generally, dramatic works such as plays, screenplays, and radio or television scripts are works intended to be performed. Dramatic works usually include spoken text, plot, and directions for action. Because of misconceptions about copyright registration for radio and television presentations, the following points require emphasis:

- The title of a program or series of programs cannot be copyrighted;
- The general idea or concept for a program is not copyrightable. Copyright will protect the literary or dramatic expression of an author’s idea but not the idea itself; and
- Registration for a particular script applies only to the copyrightable material in that script. “Blanket” registration for future scripts or for a series as a whole is not available. (However, an unpublished collection of material may be registered with one application.)

Pantomimes and Choreographic Works

Choreography and pantomimes are also copyrightable dramatic works. Choreography is the composition and arrangement of dance movements and patterns usually intended to be accompanied by music. As distinct from choreography, pantomime is the art of imitating or acting out situations, characters, or other events. To be protected by copyright, pantomimes and choreography need not tell a story or be presented before an audience. Each work, however, must be fixed in a tangible medium of expression from which the work can be performed. **Note:** Sports games and physical-fitness exercises are not considered choreographic works.

Motion Pictures

Motion pictures are audiovisual works consisting of a series of related images that, when shown in succession, impart an impression of motion, together with any accompanying sounds. They are typically embodied in film, videotape, or videodisk.

Copyright in a motion picture is automatically secured when the work is created and “fixed” in a copy. Only the expression (camera work, dialogue, sounds, etc.) fixed in a motion picture is protectible under copyright. Copyright does not cover the idea or concept behind the work or any characters portrayed in the work.

Works that do not constitute a fixation of a motion picture include:

- a live telecast that is not fixed in a copy
- a screenplay or treatment of a future motion picture

Sound Recordings

Your recording of music, drama, or a lecture:

Make sure your work is a sound recording. Sound recordings are “works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other audiovisual work.” Common examples include recordings of music, drama, or lectures.

Copyright registration for a sound recording alone is neither the same as, nor a substitute for, registration for the musical, dramatic, or literary work recorded. The underlying work may be registered in its own right apart from any recording of the performance, or in certain cases, the underlying work may be registered together with the sound recording.

Sound Recordings

Copyright in a sound recording protects the particular series of sounds that are “fixed” (embodied in a recording) against unauthorized reproduction and revision, unauthorized distribution of phonorecords containing those sounds, and certain unauthorized

performances by means of a digital audio transmission. The Digital Performance Right in Sound Recordings Act of 1995, P.L. 104-39, effective February 1, 1996, created a new limited performance right for certain digital transmissions of sound recordings.

Generally, copyright protection extends to two elements in a sound recording: (1) the performance and (2) the production or engineering of the sound recording.

Please Note: In order to register a claim in a sound recording, the description of authorship in space 2 of the Form SR application must include the term “sound recording,” “performance,” or “production.”

A sound recording is not the same as a **phonorecord**. A phonorecord is the physical object in which works of authorship are embodied. The word “phonorecord” includes cassette tapes, CDs, LPs, 45 r.p.m. disks, as well as other formats.