

2018 Schedule of Fees - U.S. Copyrights

Should they be registered?

Copyrights are valuable! Most people realize that copyrights protect books, music and films, but copyrights also protect items like computer programs, proposals, newsletters, training films, audio and video recordings, manuals, technical publications, compilations of data, directories, architectural drawings, designs, promotional and advertising materials, art, catalogs, periodicals, newspapers, annuals, journals, and periodicals, in the U.S. and abroad. Copyright ownership may be sold or used as collateral for loans.

There are many advantages provided to those who register their copyrights including the following: a public record, constructive notice to the world, statutory damages, attorneys' fees and presumptive rights in court. For a relatively nominal fee for registration, one makes protection of copyright ownership via an infringement action economically feasible.

Registration also remains a prerequisite for U.S. authors prior to filing a federal infringement action. Registration is not required when a non-U.S. author brings an action. For all authors, copyright registration must be obtained within three months of first publication or prior to commencement of an infringement action to recover statutory damages and attorneys' fees. Therefore, there remains a big incentive, even for non-U.S. authors, to obtain early registration.

One caveat is that you should not register a trade secret as a copyright, such as a recipe, since copyrights are public filings and thus the trade secret would no longer be secret. This is not true for software, since one may register portions of object code and not reveal trade secret source code.

Because of the advantages of registration, our firm continues to recommend registration of copyrights (either before publication or soon thereafter) and the use of copyright notices.

What information is needed to file a U.S. Copyright?

To register a copyright, one must include the proper application form, the non-refundable filing fee, and the appropriate copies of the work. Some of the information needed to complete the application for a copyright in the U.S. includes:

Application.

- Title of the work.
- Author(s) and address.
- Was it prepared by your employee or was it a specially ordered work by your non-employee (called a "work for hire")?
- Date of birth (and date of death if deceased) of the author.
- Author's nationality or domicile.
- When created (month, day, year).
- When published or disclosed (month, day, year).
- Was the work previously registered in the U.S.?
- Is the work a collection of pre-existing materials, i.e., translation, fictionalization, condensation, or adaptation?

Filing Fee.

Copies of the Work.

What are the fees and costs?

We are happy to work on either an "hourly" or "fixed fee" basis. Most clients prepay to us the fixed fees or estimated fees as an advanced fee deposit.

Standard Filing. The estimated cost of a standard copyright registration is \$1,155, consisting of filing fees of \$55 per filing and legal fees of \$1,100.

Expedited Filing. There is also an expedited registration process when needed quickly for litigation or certain other needs. The fixed cost of an expedited copyright registration is \$2,450, consisting of filing fees of \$1,250 and legal fees of \$1,100.

Hourly Billing Rates:

Senior Attorney	\$435 per hour
Associate	\$165-350 per hour
Paralegal	\$90-180 per hour

NOTE: Government fees are subject to change. For additional information on copyrights and filing fees, see www.copyright.gov. For an article on Copyrights - Should They Be Registered? see www.ryanswansonlaw.com. If you have any questions, please call Kevin J. Collette at 206-654-2252.