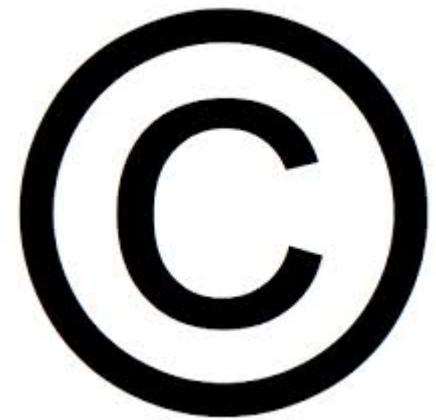


# Copyright Overview

**Gwendolyn Seale**, Attorney, Mike Tolleson and Associates

Attorney Staff, Texas Accountants and  
Lawyers for the Arts



# WHAT IS COPYRIGHT?

- Copyright law protects original works of authorship fixed in a tangible medium of expression
- Types of original works of authorship
  - Literary works
  - Musical works, including any accompanying words
  - Dramatic works, including any accompanying music
  - Pantomimes and choreographic works
  - Pictorial, graphic, and sculptural works
  - Motion pictures and other audiovisual works
  - Sound recordings
  - Architectural works



# EXCLUSIVE RIGHTS

- Reproduce copies
- Distribute copies to others
- Perform the work publicly
- Display the work publicly
- Transmit sound recordings digitally
- Prepare derivative works



# WHO OWNS THE COPYRIGHT IN A WORK?

- Creator(s)
- Employer/Commissioner
  - Employees in the course of their employment
  - Specially commissioned works in certain categories named by law
- A successor or assignee

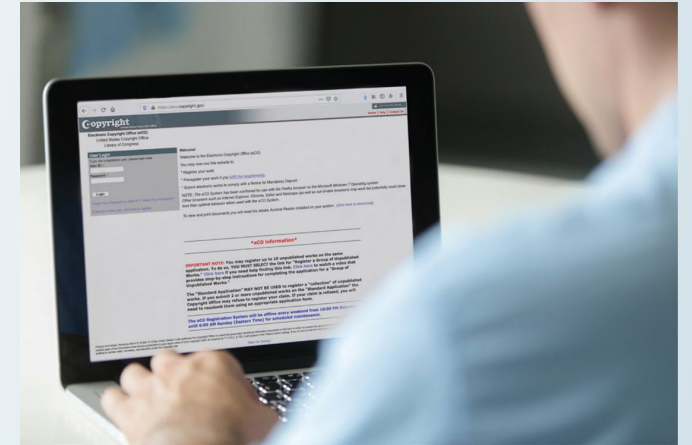
# Term of Copyright

- After January 1, 1978, life of the author (last surviving) + 70 years
- If prepared in scope of employment or a specially commissioned work: 95 years from publication or 120 years from creation (whichever shorter)



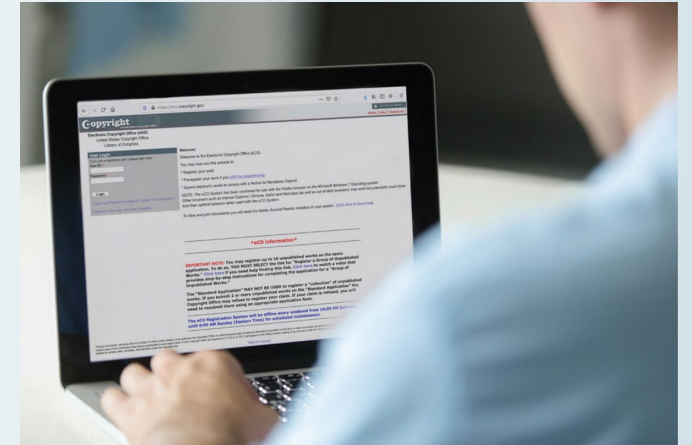
# REGISTER YOUR WORKS WITH THE COPYRIGHT OFFICE!

- Ownership is of public record
- Presumption of validity
- **Must** be registered in order to bring an infringement lawsuit
- If you register your work before an infringement occurs (or within 3 months of its publication), you can be eligible for statutory damages + attorneys' fees
  - \$200 -- \$30,000 for innocent infringement
  - up to \$150,000 for willful infringement
  - attorneys' fees
  - some court costs



# HOW DO I REGISTER MY WORKS?

- Go to [www.copyright.gov](http://www.copyright.gov)
- ~\$45-85 per application if filed electronically
  - Fees vary based on type of application, how many works are being registered
- Can include multiple works on same application in certain cases
- To find the current application fee schedule, go to <https://www.copyright.gov/about/fees.html>
- To watch application tutorials, go to <https://www.copyright.gov/eco/tutorials.html>



# THE CASE ACT

- Creates the Copyright Claims Board (CCB)
- Forum for resolving disputes over damages less than \$30,000
- Cost effective and streamlined alternative to federal court



The screenshot shows the website for the Copyright Claims Board (CCB). At the top, there is a navigation menu with links for Overview, Leadership, History and Education, Modernization, Small Claims (which is highlighted), Annual Reports, Strategic Plans, and IT Reports. Below the navigation is a breadcrumb trail: Home / About / Small Claims. The main heading is "Copyright Small Claims and the Copyright Claims Board". The text below explains that in December 2020, Congress passed the Copyright Alternative in Small-Claims Enforcement Act of 2020 (CASE Act), which directed the Copyright Office to establish the CCB. The CCB will be a three-member tribunal within the Office that will provide an efficient and user-friendly option to resolve certain copyright disputes that involve less than \$30,000 (called "small claims"). The Office is in the process of developing the CCB, which should begin hearing claims by spring 2022. In the meantime, read about what the CCB is, why you might want to use it, and our implementation progress.

**CCB Key Facts and Benefits**

From streamlined proceedings to expert decision makers, the CCB will be designed to be efficient and easy to use.

- **It will be user-friendly.** CCB proceedings will be designed for people to understand and navigate. This will make it easier for parties to represent themselves.
- **There will be streamlined procedures.** Discovery will be limited and mostly paper-based, and parties will rely primarily on written materials. CCB proceedings generally will not include formal motions unless requested by the parties or the CCB. As a result, CCB proceedings will

On the right side of the page, there is a line drawing of the U.S. Capitol building. Below it is a blue button that says "Subscribe for Email Updates". At the bottom right, there is a grey box with the heading "Why did Congress Pass the CASE Act and Create the Copyright Claims Board?" and the text "Copyright law requires that copyright lawsuits be brought in federal court."