

Why Should I Register My Work With The U.S. Copyright Office?

There are a few reasons to file work with the Copyright Office:

- It creates a public record of your work;
- If you want to file a lawsuit for alleged infringement of your work, you can't file the claim in court unless and until you register the work with the Copyright Office anyway;
- If you file before the date of the alleged infringement, the court has the discretion to require the other party to pay your attorneys fees. Also, the damages you can collect are not limited to compensation for damages you can actually prove in court, but the court also has the discretion to award "statutory damages," which is an amount of money arbitrarily awarded by the court without regard to the amount of money you actually lost. This is helpful because if the amount of money lost as a result of the infringement is either small or hard to prove, the court can still award damages. For example, the other party may concede that they knew they were violating your copyright when they copied your work, but then argue that the damages as a result are very small. Without the possibility of obtaining your attorney's fees and statutory damages in this type of situation, it may not even be cost effective for you to bring the lawsuit. But the law does not want to favor parties who willfully violate the law, so the court may award an arbitrary amount of damages to send the message that this type of behavior by the infringer is not acceptable. However, the court only has the power to do this if you filed your work with the Copyright Office before the date of the alleged infringement;
- It is relatively inexpensive to register, \$45.00 per work, and it generally lasts for the life of the author plus seventy years (unless it's a work for hire).

Filing your work with a private organization, such as the Writer's Guild of America (WGA), helps to establish who created a work, the date it was created and what the work contained. However, it has certain drawbacks:

- It does not give you the extra protection provided by registration with the Copyright Office such as the possibility of receiving statutory damages and attorney's fees;
- It must be renewed after a few years (for example, it must be renewed every five years at the WGA, West) whereas it is only filed once with the Copyright Office;
- If you decide to sue a party for infringement, you will be required to register the work with Copyright Office anyway, and pay the fee at that time.