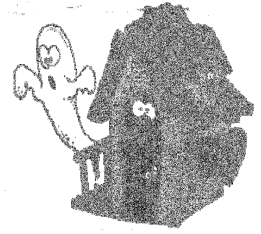




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“Tip of the Month”

What is a Copyright?

Copyright protection is the protection accorded to almost anything that can be written down and read again. It includes literature, painting, sculpture, music, computer programs, photographs, music, and many other types of expression. The material can be written on paper, stored on a computer hard drive, or set down in any medium one can think of. One has copyright rights as soon as a work is fixed in a medium, even without registration. Whether or not one registers the copyright, one should always apply a copyright notice to one’s work. The copyright notice consists of the copyright symbol followed by the year of publication and the legal author. For example, this Tip could be marked with “© 2007 Mesmer & Deleault, PLLC.”

Registration is optional, but copyright owners should register their copyrights to secure important legal rights. Infringers may be subject to an injunction and be liable for, lost profits, court costs, attorneys’ fees, and damages, including statutory damages of up to \$150,000. Criminal penalties may also apply. Infringing works may be impounded and destroyed. For the application fee of \$45, copyrights offer very inexpensive intellectual property protection.

Copyrights protect the expression only and not any ideas behind them. For example, a copyright will protect an instruction manual on how to build a better mousetrap, but will not prevent others from making mousetraps. That is the domain of patents.

Copyright for works made after January 1, 1978 last for the life of the author plus 70 years. However, copyright works made for hire last for 95 years from first publication or 120 years from creation, whichever expires first.

We can file most copyright applications for the low flat fee of \$145, which includes the government filing fee. Often, clients have our firm file the first copyright on their behalf, and then find that they can file others on their own. However, if one confronts terms like “work made for hire,” “fair use,” or “right of attribution and integrity,” one should consult an experienced copyright lawyer.

If you would like us to handle your copyright matters, please give us a call at 603-668-1971 or write to us at mailbox@biz-patlaw.com.

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