

Copyright Notice

Copyright notice provides information to the public regarding copyright ownership. Notice is optional for works created after March 1, 1989, but is generally required for works created before that date. This circular introduces the concept of notice.¹

It covers

- The elements of notice
- Where notice is required and where it is optional
- The legal formalities of notice when it is required
- The advantages of including notice on a work

Copyright notice is a statement placed on copies or phonorecords of a work to inform the public that a copyright owner is claiming ownership of it.² A notice consists of three elements that generally appear as a single continuous statement:

- The copyright symbol © (or for phonorecords, the symbol ®); the word “copyright”; or the abbreviation “copr.”;
- The year of first publication of the work; and
- The name of the copyright owner.

Example: © 2017 John Doe

The use of a copyright notice is the responsibility of the copyright owner and does not require permission from, or registration with, the Copyright Office.

Copyright notice was required for all works first published before March 1, 1989, subject to some exceptions discussed below. If the notice was omitted or a mistake was made in using copyright notice, the work generally lost copyright protection in the United States. Copyright notice is optional for works published on or after March 1, 1989, unpublished works, and foreign works; however, there are legal benefits for including notice on your work.

Works Requiring Notice

Different laws govern works first published before January 1, 1978, and works first published between January 1, 1978, and February 28, 1989. The discussion in this circular applies to works first published between January 1, 1978, and February 28, 1989. For information about notice for works first published before January 1, 1978, see [chapter 2100](#) of the *Compendium of U.S. Copyright Office Practices*.

Copies That Must Display Notice

In general, for works first published before March 1, 1989, the copyright owner was required to place an effective notice on all publicly distributed “visually perceptible” copies. A visually perceptible copy is one that can be seen or read, either directly or with the aid of a machine. Examples of visually perceptible copies include a book, sheet music, a photograph, or film. A visually perceptible copy does not include a CD, a vinyl record, or an .MP3 recording of a literary, dramatic, or musical work.

When a copyright owner published a phonorecord that embodied a sound recording, an effective notice had to appear on all publicly distributed phonorecords. The phonorecord symbol — © — was needed only for publicly distributed copies of a sound recording embodied in a phonorecord.

Form of Notice

An effective notice includes three general elements, as described above, as a single continuous statement. It was permissible to omit the year of publication for works reproduced on greeting cards, postcards, stationary, jewelry, dolls, toys, or any useful article. See the following sections of **chapter 2200** of the *Compendium* for specific issues regarding the elements of notice:

- Section 2204.4 for variations on the © or ® symbol, or the word “copyright”
- Section 2205.1 for variations on the year of publication
- Section 2205.2 for variations on the name of the copyright owner

Placement of Notice

The copyright notice had to be placed on copies or phonorecords in a way that was permanently legible to an ordinary user of the work and could not be concealed from view upon reasonable examination. The Office adopted specific regulations for the placement of notice on the following types of works:

- Literary works
- Contributions to collective works
- Musical works
- Sound recordings
- Dramatic works
- Motion pictures and other audiovisual works
- Pictorial, graphic, and sculptural works
- Multipart works
- Works published in machine-readable copies

For more information, see **chapter 2200**, section 2207, of the *Compendium*.

Omission of Notice and Errors of Notice

An omission or mistake in using a copyright notice may not have invalidated the copyright to works published between January 1, 1978 and March 1, 1989, if

- The notice was omitted from no more than a relatively small number of copies or phonorecords distributed to the public;

- The work was registered before or within five years after the publication without notice and a reasonable effort was made to add notice to all copies or phonorecords distributed in the United States after the omission was discovered;
- The omission violated an express written agreement to include proper notice as a condition of public distribution of copies or phonorecords; or,
- The notice was removed from the copies or phonorecords without the authorization of the copyright owner.

When Notice Is Optional

Copyright notice is optional for unpublished works, foreign works, or works published on or after March 1, 1989. When notice is optional, copyright owners can use any form of notice they wish. However, works first published after March 1, 1989, may need to comply with statutory formalities to prevent a defendant from invoking an innocent infringement defense in a copyright infringement action.

Unpublished Works

A copyright notice has never been required for unpublished works. The Copyright Office will register an unpublished work that does not bear a notice, regardless of whether the work was created before or after March 1, 1989. Nonetheless, because the dividing line between a preliminary distribution and actual publication is sometimes difficult to determine, copyright owners may want to place copyright notices on copies or phonorecords that leave their control to indicate that rights are claimed in a work. For example, an appropriate notice for an unpublished work is “Unpublished Letters of John Doe © 2017 John Doe,” where 2017 refers to the year the work was created.

Foreign Works and the Uruguay Round Agreements Act

For certain foreign works, the Uruguay Round Agreements Act (URAA) of 1994 modifies the effect of publication without notice. The URAA restored copyrights for foreign works that lost copyright protection in the United States for failure to comply with notice requirements prior to March 1, 1989. They include (a) works created by an author who, at the time of the work’s creation, was a citizen of, or domiciled in, a country that had entered into a copyright treaty with the United States, and (b) works first published, or sound recordings first fixed, in a country that had entered into a copyright treaty with the United States. Although restoration is automatic in eligible works, the URAA directs the owner of a restored work to notify reliance parties if the owner plans to enforce his or her rights in the work.³ For more information, see *Copyright Restoration Under the URAA* ([Circular 38B](#)).

Advantages to Using a Copyright Notice

Although notice is optional for unpublished works, foreign works, or works published on or after March 1, 1989, using a copyright notice carries the following benefits:

- Notice makes potential users aware that copyright is claimed in the work.
- In the case of a published work, a notice may prevent a defendant in a copyright infringement action from attempting to limit his or her liability for damages or injunctive relief based on an innocent infringement defense.

- Notice identifies the copyright owner at the time the work was first published for parties seeking permission to use the work.
- Notice identifies the year of first publication, which may be used to determine the term of copyright protection in the case of an anonymous work, a pseudonymous work, or a work made for hire.
- Notice may prevent the work from becoming an orphan work by identifying the copyright owner and specifying the term of the copyright.

NOTES

1. This circular is intended as an overview of the basic concepts of copyright notice. The authoritative source for U.S. copyright law is the Copyright Act, codified in Title 17 of the *United States Code*. Copyright Office regulations are codified in Title 37 of the *Code of Federal Regulations*. Copyright Office practices and procedures are summarized in the third edition of the *Compendium of U.S. Copyright Office Practices*, cited as the *Compendium*. The copyright law, regulations, and the *Compendium* are available on the Copyright Office website at www.copyright.gov.
2. A “phonorecord” is a material object in which sounds are fixed and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Examples include a cassette tape, a vinyl disc, or a compact disc. A phonorecord does not include sounds accompanying a motion picture or other audiovisual work.
3. A reliance party is typically a business or individual who, relying on the public domain status of a work, was using it before the enactment of the URAA on December 8, 1994. For works from any country that was not eligible under the URAA as of December 8, 1994, reliance parties are those using the work before the date on which the country becomes eligible by joining the World Trade Agreement or the Berne Convention for the Protection of Literary and Artistic Works or as a result of a presidential proclamation.

For Further Information

By Internet

The copyright law, the *Compendium*, electronic registration, application forms, regulations, and related materials are available on the Copyright Office website at www.copyright.gov.

By Email

To send an email inquiry, click the *Contact Us* link on the Copyright Office website.

By Telephone

For general information, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 am to 5:00 pm, eastern time, Monday through Friday, except federal holidays. To request application forms or circulars by postal mail, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

By Regular Mail

Write to

Library of Congress
U.S. Copyright Office
Outreach and Education Section
101 Independence Avenue, SE #6304
Washington, DC 20559-6304

