Preregistration

What is preregistration? What works can be preregistered?
Preregistration which became available in 2005 pursuant to the provisions of the artists’ rights and Theft Prevention Act, is a procedure in the Copyright Office for certain classes of works that the Register of Copyrights has determined have a history of pre-release infringement. Preregistration serves as a place-holder for limited purposes, mainly where a copyright owner needs to sue for infringement while a work is still being prepared for commercial release. Preregistration is not a substitute for registration, and its use is only appropriate in certain circumstances.

A work submitted for preregistration must meet three conditions:

1. the work must be unpublished;

2. the work must be in the process of being prepared for commercial distribution in either physical or digital format, e.g., film copies, CDs, computer programs to be sold online, and the applicant must have a reasonable expectation of this commercial distribution;

3. the work must fall within the following classes of works determined by the Register of Copyrights to have had a history of infringement prior to authorized commercial distribution.

The works determined to be eligible under this requirement are:
- motion pictures
- sound recordings
- musical compositions
- literary works being prepared for publication in book form
- computer programs (which may include videogames)
- advertising or marketing photographs

What classes of works are eligible for preregistration?
- Motion pictures
- Sound recordings
- Musical compositions
- Literary works being prepared for publication in book form
Computer programs (which may include videogames)
Advertising or marketing photographs

**Is preregistration a substitute for registration?**

No. Preregistration is not a form of registration but is simply an indication of an intent to register a work once the work has been completed and/or published. When the work has been completed, it may be registered as an unpublished work, and when it has been published, it may be registered as a published work.

Preregistration of a work offers certain advantages to a copyright owner pursuant to 17 U.S.C. 408(f), 411 and 412. However, preregistration of a work does not constitute prima facie evidence of the validity of the copyright or of the facts stated in the application for preregistration or in the preregistration record. The fact that a work has been preregistered does not create any presumption that the Copyright Office will register the work upon submission of an application for registration.

A person who has preregistered a work must register the work within one month after the copyright owner becomes aware of infringement and no later than three months after first publication. If full registration is not made within the prescribed time period, a court must dismiss an action for copyright infringement that occurred before or within the first two months after first publication.

**Will I need to make a regular registration after my work is completed?**

Preregistration is not a form of registration but is simply an indication of an intent to register a work once the work has been completed and/or published. The law requires that if you have preregistered a work, you are required to register the work within one month after the copyright owner becomes aware of infringement and no later than three months after first publication. If full registration is not made within the prescribed time period, a court must dismiss an action for copyright infringement that occurred before or within the first two months after first publication. See 17 U.S.C. 408(f) (http://www.copyright.gov/title17/92chap4.html#408) and 411 (http://www.copyright.gov/title17/92chap4.html#411), as amended; also 37 C.F.R. 202.16 (/title37/202/37cfr202-16.html), as added.

**When should I register my work if I have already preregistered it?**

To preserve the legal benefits of preregistration, a person who has preregistered a work is required, to preserve the legal benefits of preregistration, to register the work within one month after the copyright owner becomes aware of infringement and no later than three months after first publication. If full registration is not made within the prescribed time period, a court must dismiss an action for copyright infringement that occurred before or within the first two months after first publication. See U.S.C. 17 408 (f) (http://www.copyright.gov/title17/92chap4.html#408) and 411 (http://www.copyright.gov/title17/92chap4.html#411), as amended; also 37 C.F.R. 202.16 (/title37/202/37cfr202-16.html), as added.

**How do I preregister?**
You must apply online (/prereg/index.html); no paper application form is available. Only an application and fee are required; a copy or phonorecord of the work itself, or any finished part thereof, should not be submitted. Instead, the applicant must give as full a description of the work as possible in the online application.

What is the effective date of my preregistration?
The effective date is the day on which the completed application and fee for an eligible work have been received in the Copyright Office.

Preregistration Application and Notification

How do I complete a preregistration application?
The preregistration application is only available online. We recommend that you read the detailed information by clicking here (/prereg/help.html#how_to), including the screen-by-screen instructions, before beginning your online application. Much of this information is also provided on the individual application screens. To begin the preregistration process, go to the Preregister Your Work (/prereg/index.html) page and click on the Start the Preregistration Process button at the bottom of the page.

You ask for a description in the preregistration application. What should it include?
Your description should be sufficient to reasonably identify the work but should consist of no more than 2,000 characters (approximately 330 words). It need not be detailed and need not include confidential information. This description will be made part of the online public record. (See specific help (/prereg/help.html#help_text37) about the description).

Will I receive a certificate for my preregistration?
No. When the Copyright Office completes your preregistration, we will send you an official notification email containing the information from your application, and the preregistration number and date. This same information will also appear in the Copyright Office permanent online catalog record of the preregistration. A certified copy of the official notification may be obtained from the Certifications and Documents Section of the Copyright Office.

Preregistration Payment

Records, Research, and Certification Section
See Circular 6 (/circs/circ06.pdf) - Obtaining Access to and Copies of Copyright Office Records and Deposits
What methods of payment are accepted for preregistration?
You may pay the nonrefundable filing fee for your submission(s) with a credit card, by ACH, (help/faq/faq-prereg.html#ach) or by debiting your existing Copyright Office Deposit Account. (/circs/circ05.pdf)

What does ACH (payment) mean?
ACH is an acronym for The Automated Clearing House Network. If you choose this option of payment, you may have money transferred electronically from your personal or corporate bank account to make your payment to the Copyright Office. If you choose this method, you will need your bank’s routing number and your bank account number. These usually appear on your check; the routing number is sometimes the one appearing at the bottom left on your check, with your check account number appearing to the right of the routing number. You may give a check number on the online payment screen, but it is not required.

Password

Do I receive a password from the Copyright Office to log into the eCO website to preregister my work? Or do I create my own password?
The Copyright Office does not issue you a password unless you forget one you have already established when you create your New User profile. (In that case, you are issued a temporary password, which you should change to your own password immediately.)

What are the password requirements that I should follow when I create my password?
A password should consist of
• a minimum of 8 characters
• at least two alphabetic characters
• at least 1 numeric and 1 special character (e.g., @ * &)
• no consecutive repeated characters

It may NOT include
• your user name or any part thereof
• the names of a spouse, children, pets, or one’s own name
• regional sports teams or players
• any office symbols
• your social security number or any subset of your social security number that is more than a single number
• words that can be found in any dictionary, whether English language or any language

How do I change my password?
1. Select My Profile from the top menu bar.

https://www.copyright.gov/help/faq/faq-prereg.html

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2. Select User Profile by clicking on the link. Click on the Change Password button that appears at the top of the User Profile.

3. Enter your current password in the designated field, then enter your new password. You will need to give the new password again so that if you have made a typographical error, the computer system will find the error and ask you to re-enter the password in the two fields again.

4. Click Save to save your new password.

What do I do if I forgot my password?

1. Click on the “Forgot Your Password?” link on the login page.
2. Enter the information and click the Submit button.
3. The screen will refresh and give you your new password.
4. Log into eCO with the new password you have been given.
5. Change your password immediately to one that only you know and which follows the password requirements (help/faq/faq-prereg.html#requirements) found in the answer to the FAQ question “What are the password requirements that I should follow when I create my password?”. (See also “How do I change my password (help/faq/faq-prereg.html#change)?”)

https://www.copyright.gov/help/faq/faq-prereg.html