The Self-Publisher’s Quick Guide to Copyright

by Joel Friedlander

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Self-Publishing Basics: A 5-Minute Guide to Copyright

Well, we’re all busy and who has time to research copyright? This is the province of lawyers, big publishers with legal departments, and plagiarism trackers, isn’t it?

No, every self-publisher needs to have a bit of information on copyright and the way the law works in the United States. Okay, I promised this would take 5 minutes, so let’s get started.

Basic Copyright Information You Should Know

Copyright is a form of protection for intellectual property. It is based in the U.S. Constitution, and by law grants protection for original works fixed in any tangible medium of expression. Copyright covers both published and unpublished works.

You do not have to apply for copyright from any authority. The U.S. Government does not issue copyright. The law of copyright provides protection from others who might claim your work as their own, or seek to profit from your work without your permission.

When you create something original and fix it in some form that others can experience, (for instance, by writing a story that others can read, or painting a picture that others can view) your work is under copyright protection from the moment it is created.

Copyright protects original works of all kinds including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. It will protect a greeting card you wrote, and the song you’ve created for a school play.

Copyright Does Not Protect Everything

Copyright doesn’t protect facts, ideas, systems, or methods of operation. However, it will protect a book or operating manual that explains these ideas, systems or methods.

As publishers it’s important to know that you cannot copyright the title of your book. If a title could be considered a trademark, you can use the trademark system to attempt to protect your title, but it will be an expensive, lengthy and uncertain process, and you may well be denied trademark protection.

A Few Copyright Questions

How is Copyright Different From Patent or Trademark?
protects original works of authorship. Patent protects inventions or discoveries. Ideas and discoveries are not protected by the copyright law, although the way in which they are expressed may be. A trademark protects words, phrases, symbols, or designs that identify goods or services. The Fedex logo is a registered trademark, which provides protection. It is not copyrightable.

**What is Copyright Registration?** There is no requirement to register your copyright, which exists from the moment the work is created. Registration is a service provided by the Library of Congress as a means to record claims to copyright. If you ever have a dispute about your copyrighted work, your best evidence is going to be the registration you made, and the date it was entered, to show you are the originator of the work.

You definitely want to register your copyright, even though it isn’t required.

- Copyright registration will put the facts of your copyright into the public record
- You will receive a certificate of registration
- In the event of litigation, your registered work may be eligible for statutory damages and attorney’s fees
- If you register your copyright within 5 years of publication, it is considered *prima facie* evidence (self-evident from the registration) in a court of law

**Can’t You Just Mail Your Manuscript to Yourself?** This practice has been used for many years as kind of a “poor man’s copyright.” Unfortunately, there is no provision in the copyright law for any such protection—it is not a substitute for registration.

**Is My Copyright Good Outside the United States?** The United States has copyright relations with most countries throughout the world, and as a result of these agreements, we honor each other’s citizens’ copyrights. However, the United States does not have such copyright relationships with every country. For a listing of countries and the nature of their copyright relations with the United States, see Circular 38a, International Copyright Relations of the United States.

Well, there you have it. Considering the amount of time, effort and imagination you’ve put into your book, it makes sense to take the simple step of registering your copyright. Like putting a category on the back cover of your book, or getting your ISBN correct, this is another detail that self-publishers just have to attend to.

For more detailed information on copyright, visit the U.S. Copyright Office website at:
http://www.copyright.gov/
Self-Publishing Basics:
The Copyright Page

In an earlier post on how to make a book, I explained the role of the copyright page:

**Copyright page**—Usually the verso of the title page, this page carries the copyright notice, edition information, publication information, printing history, cataloging data, legal notices, and the books ISBN or identification number. In addition, rows of numbers are sometimes printed at the bottom of the page to indicate the year and number of the printing. Credits for design, production, editing and illustration are also commonly listed on the copyright page.

Now I’d like to look at the all-important copyright page in a little more detail. This page and its contents are the way your book is represented to librarians, bibliographers, other publishers, quantity sales buyers, writers wishing to use quotations from your book, and production planners of future editions.

**What Has to be on Your Copyright Page No Matter What**
The single most important element on the copyright page is, no surprise, the copyright notice itself. It usually consists of three elements:

1. the © symbol, or the word “Copyright” or abbreviation “Copr.”
2. the year of first publication of the work; and
3. an identification of the owner of the copyright—by name, abbreviation, or some other way that it’s generally known.

Together, it should look like this:

© 2010 Joel Friedlander

At one time you actually had to print the copyright notice in an acceptable form to receive copyright protection in the U.S. but this is no longer the case.

Because the © symbol isn’t available on typewriters or computer terminals with only lower-ASCII character sets, the copyright symbol is often approximated with the characters (c). Unfortunately, this form of notice may not stand up in court.

**What Else You’ll Find on the Copyright Page**
Many of these items may not be applicable to your book, but this is where the publisher has to fit all the legal notices and other information for use by the book trade. Keep in mind that a reservation of rights is vital, and the publisher’s
contact information is practical and appropriate. So here’s the rundown of other elements on the copyright page:

- Your reservation of rights, where you outline what rights you reserve and which you allow. Usually a nod is made to fair use, which can hardly be prevented in any event. Because further permissions will involve the publisher’s approval, you will also find here...

- The publisher’s editorial address. Larger publishers will likely include...

- Ordering information including quantity sales, individual sales, college textbooks or course adoption requests and orders by trade bookstores or wholesalers. In each case specific contact information may be included.

- Any trademark notices the publisher may hold to names and logos of the publishing company or its imprint,

- A statement regarding the environmental friendliness of the products and processes used to produce the book, like a notice that it is printed on recycled paper or with non-toxic soy inks.

- Cataloging-in-Publication Data, either from the Library of Congress for participating publishers, or from another source such as Quality Books, a distributor who will provide this data block for a fee. This is primarily of interest to library sales.

- An edition of the book. For instance, a second edition might or might not be noted on the title page, but will certainly be indicated on the copyright page.

- Printings and years indicators. These are the odd strings of “funny numbers” often seen near the bottom of the copyright page. Typically at the left margin will be years, and on the right a series of numbers to indicate printings. Next year, if a new printing is needed, the plates for the book do not need to be remade. The pressman simply erases one digit off each series of numbers, effectively updating the notice. This is for the use of the publisher’s production department, and is likely to become an artifact as digital printing takes a larger share of the publishing pie.

- Lastly, some enlightened publishers use the copyright page to credit the contributors to the book including designers, production managers, proofreaders, indexers, and editors.

Think of the copyright page as the place where the publisher tries to get all its work done, take care of legal and bibliographic necessities, before getting out of the way of the author.

When you come to creating your own copyright page, pick the elements that seem most suitable to your book. Keep the whole thing as unobtrusive as possible and you can’t go wrong.
What Every Writer Ought to Know about Fair Use and Copyright

I’ve been researching what the best practices are these days for copyright, and I’ll be writing about them in articles soon. But one area of copyright is really difficult to understand for most publishers, and for bloggers too for that matter. And that is: What constitutes “fair use”?

To answer this question I’m very fortunate to have an expert to guide us. Today’s guest post is by Attorney David L. Amkraut, and you can find out more about David at the end of the article. Enjoy!

Fair Use and Copyright

“Fair use” is a legal doctrine which excuses acts that would otherwise be copyright infringement. Infringers who are caught invariably yell, “Fair Use.” But fair use is misunderstood by many infringers. And authors. And photographers and illustrators, too. Let’s try to explain it in plain terms.

Fair Use is an “affirmative defense”—the defendant copier has the burden of proof to show that Fair Use applies. Essentially he says, “Yes, I copied the work—but I am allowed to because my copying is “Fair Use.”

The doctrine developed to allow limited and reasonable uses of copyright–protected work. Examples include a reviewer quoting briefly from a book, or a teacher using brief passages from a book to teach English usage or writing. Copying allowed by Fair Use is usually, though not always, a small part of a work and typically includes an author credit and attribution.

In fancy words, “It [fair use] was created to allow use of copyright (sic) material for socially valuable purposes such as commentary, parody, news reporting, education and the like, without permission of the copyright holder.”

Fair uses are generally, though not always, for non–profit purposes. Fair use is seldom allowed where the copier’s use competes directly with the work or harms its commercial value. Such as lifting entire chapters from a book, to sell online. Or copying piles of text and entire groups of photos from a website, to stock a competing website.

The Four Factor Test

Fair Use is not a rigid “bright line” legal rule. Rather, courts do a case–by–case analysis of the facts, using a “Four Factor test” to analyze whether Fair
Use applies in a given situation. The four factors are stated in the opinion of the famous Joseph Story in Folsom v. Marsh, 9 F.Cas. 342 (1841). There the defendant had copied 353 pages from the plaintiff’s 12-volume biography of George Washington, in order to produce a separate two-volume work of his own.

Here’s a good explanation of how you apply the Four Factor test:

“Notwithstanding the provisions of … [copyright] … the fair use of a copyrighted work, including such use by reproduction … for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include:

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work.”

**Scenarios: Is it “Fair Use” or is it Infringement?**

Let’s play judge. It’ll be fun. The first two are easy ones. The other examples are not as simple.

**Scenario 1:** An English teacher prints a classroom handout, and includes a quotation from a book on the Grand Canyon, to show pithy writing: “…the awful heat sucked out his thinking ability like a brain vampire…”

**Analysis:** Teacher prevails on all four factors. This is exactly the type of usage that falls squarely under Fair Use.

**Scenario 2:** A gigantic online operator—let’s call it Giggle.com—scans and stores 11+ Million books (including yours), without any permission from the copyright holder. Then it uses the unauthorized scans to reproduce and sell the books in both printed (“P-book”) and electronic (“E-book”) form. Giggle gets sued, and claims Fair Use as a defense.

**Analysis:** Defendant fails on Factor 1, because the use is for money. Factor 2 is unfavorable to defendant. Defendant fails on Factor 3 because Giggle is copying the entire book, not just portions. Defendant fails strongly on Factor 4 because defendant is unfairly and directly competing with the rightful owner and hurting his market for the book. Thus, defendant Giggle should be judged to be committing copyright infringement.
**Scenario 3:** You’re a college professor as well as a writer or self-publisher. You gather full chapters from several books, and have them copied, printed, and bound to create your course’s required readings. The students buy the compilation at a copying service company. You, the professor, get a lucrative kickback. The owners of copyright in the works you copied get nothing. You and the copying service get sued. You claim Fair Use.

**Analysis:** You fail on Factor 1, because you are making money, not just using the copied work for education. Factor 2 is unfavorable to you. You argue like crazy but are wrong on Factors 3 and 4. By the way, this scenario is based on an actual case, and defendants lost. The Court may have also been disgusted with defendants’ “dirty hands,” involving the copying services and bookstores paying kickbacks or commissions to the professors. You lose. Not Fair Use.

Here are a few more interesting scenarios. We don’t need to analyze them in detail, now that you’re getting so sophisticated and already starting to think like a judge or lawyer.

**Scenario 4:** The magazine The Nation printed an excerpt from President Ford’s book on President Nixon. Although the excerpt was only a tiny part of the work, it was almost the only part anyone cared about. (Nixon’s comments when abdicating) Publisher sued.

**Result:** Court ruled it was not Fair Use. Most interesting was the Court’s analysis of Factor 3: although the amount copied was small, its substantiality was large. The Court was also influenced by the fact that The Nation obtained the manuscript surreptitiously and “scooped” the copyright owner’s intended serialization by several weeks.

**Scenario 5:** You are a self-publisher or author or micro-publisher finishing a book on keeping kids healthy. You realize you need a cute headshot of a happy smiling teenager. You want to save a few dollars, so you find a nice photo in a women’s magazine, scan it, and use on your book cover. Copyright holder sues you. You claim Fair Use.

**Result:** You lose.

**Advice:** Don’t steal photos. Buy a license.

**Scenario 6:** You are a self-publisher or author or micro-publisher preparing a book on the evolution of lighting styles in fashion photography. You scan some photos from a fashion magazine and use them to comment and explain concepts like “soft lighting,” “hard lighting,” and “catalog lighting.” Copyright holder sues you. You claim Fair Use.

**Result:** You should win. The use is incidental to the book, doesn’t harm the rights-holder, and is for the purpose of education and commentary.
Scenario 7: Several years ago the Danish publication Jyllens–Posten published cartoons of Muhammed, the founder of Islam. You’re a self–publisher or author or micro–publisher preparing a serious book on the cartoons, to discuss the cartoons, the Muslim uproar, attacks on Danes, burning of Danish property, Muslim cartoons in their own media inciting violence, etc. You reproduce the cartoons in your book. Copyright–holder Jyllens–Posten sues you. What result?

Result: You’ll probably win on Fair Use. The topic is of tremendous public importance. The cartoons are shown in the context of that topic and in a book with serious commentary. And it is impossible to meaningfully discuss the cartoons without actually showing the cartoons in their entirety.

Really, when you strip away the fancy language, Fair Use is a pretty sensible concept. It gives “breathing room” to the First Amendment and tries to strike a balance between protecting the copyright owner’s property rights, and encouraging valuable activities such as scholarship and public discussion. Fair Use comes down to whether the use is “fair” and should be allowed.

About the Author

David L. Amkraut is a Los Angeles-based Attorney at law. His practice emphasizes cutting-edge Internet-related copyright matters. Among other cases, he was attorney for the plaintiffs in Louder v. CompuServe, a class-action case involving unauthorized publication of 930 photographs of models by the 2nd-largest Internet Service Provider in the world. He also served as counsel in KNB v. Matthews, an important case defining the relationship between copyright and the “Right of Publicity” in still photographs. Law Offices of David L. Amkraut, 2272 Colorado Blvd., #1228, Los Angeles, CA 90041

Comments

betty ming liu

This is so helpful, Joel! I get most of it — except for Scenarios 5 and 6. I don’t get why one is fair use and the other isn’t. Don’t know if this is too hard to explain via a comment, but if you can, I’d be interested in learning more.

Also, is it fair use if a teacher xeroxes a few chapters out of a book to distribute in class for discussion? Is the fair use issue different if the teacher scans the chapters and posts them online at a website that only the students can view?

David Amkraut

Betty Ming Liu’s questions:

QUESTION RE: Difference between Scenarios 5 and 6.

Scenario 5 is not fair use. All four factors are against fair use:
1. Purpose of use: commercial activity, no attribution, profiting from use, for public distribution. Not, e.g., scholarship, criticism.

2. Nature: work is creative and artistic. Weighs against fair use compared to factual or non-fiction work.

3. Amount: infringer took the whole work.

4. Market effect: Infringer used it widely and repeatedly, deprives owner of licensing or sale fee.

Scenario 6 is likely to be fair use:

1. Purpose: used for criticism, comment, scholarship. Strongly favors fair use.

2. Nature of work: creative, artistic; weighs against fair use.

3. Amount: copied whole photo, but necessary to do so for the use. weighs against, but slightly.


OTHER COMMENTS: A commonsense argument: how else does a critic, scholar, news reporter, etc. discuss a photographic work except by showing it, or discuss his theories except with illustrative examples?

QUESTION RE: classroom use of book chapters (both printed or on teacher’s web site):

Not a fair use. A four factor analysis: 1. Purpose is legitimate and favors fair use; 2. Nature of work— factual or creative/artistic is not stated, therefore unclear. 3. Amount taken is substantial, not mere excerpt; 3. Market effect is ruinous to author and publisher; students who would otherwise be expected to buy the book would not do so. In addition, the teacher had other legitimate approaches such as placing a copy or two of the book on reserve in the school library.

People considering such classroom use might also look at the best known set of guidelines, “Guidelines for Classroom Copying in Not for Profit Educational Institutions with Respect to Books and Periodicals.” Originally, accompanying the Copyright Act of 1976, Congress originally these guidelines in House Report 94-1476. However, the guidelines were not included in the Copyright Act of 1976 and are therefore not “the law.”

Several final comments: First, understand that fair is not cut and dried but requires case by case analysis of the facts. Some fact patterns are clearly fair use and some are not; a reasonable judge could decide only one way. But many fact patterns are close calls. The judge must scrutinize the factors and then balance them, applying the “rule of reason” and trying to be just. By the way, close fair use...
cases are a favorite topic in law school exams and moot court, because reasonable arguments can be made on both sides.

Second, ask how you would you feel if you were the author of a textbook whose market was destroyed by widespread copying, not of brief excerpts, but of whole chapters? Widespread copying of specialized publications has driven some scholarly and scientific publications out of business.

Third, one statement in the underlying article should be clarified. Although the concept of fair use has been around for a long time, the four factors were codified in U.S. Copyright Act, 17 U.S.C. Section 107, titled “Limitations on Exclusive Rights: Fair Use.”

**betty ming liu**

Wow. It’s so generous of you to take the time and explain this in such detail. Thank you for sharing!

**Joel**

Betty, thanks for asking some real-world questions. And thanks again to David for explaining with these real-world cases, how to apply the “four factors” test. As both a content creator (author of this blog and books) as well as a publisher (in which role I use other people’s works) I know it’s really important to be sensitive to the people behind the works themselves. That’s why David’s last point, about how one would feel as the party being copied, is crucial to me. Great stuff.

**Alisha**

This is great! I was wondering about my use of a lyric from a song in a chapter of my book. The lyrics are positive, happy, and promote self reliance and I use it as an example of the same principals in the chapter.

Is that fair use? Or am I infringing on the writer’s copyright? I give credit the singer, the name of the album, etc.

If it is infringement, how does one go about getting the rights to use the material? At least the lines from the song?

**Julia**

I often get pictures from google images for my blog posts. Should I be purchasing them from istock instead? When we publish a book we always purchase the photos but rarely when putting them in a post.

In Scenario 4 I was unclear how that was a violation of fair use. I always thought you could quote from another source if you references the source.
David Amkraut

Re: Julia’s two questions:

1. Using someone else’s pics is usually infringement, unless it falls under fair use or (very unlikely) the pic has been put in the public domain by the rights owner. This does not sound like fair use and there is no evidence presented that the pic has been put in the public domain. Whether you are likely to have a problem as a practical matter is a different question.

The fact that you got the picture through Google Images or some similar mechanism does not insulate or protect you from liability. One court has held that Google’s operation of Google Images is legally permissible because it is a “transformative use.” The decision has been widely criticized as misunderstanding technology, standing copyright law on its head, and being extraordinarily protective of Google. But court decisions like that do not protect the person who gets pics through Google. But, you ask, “How can Google do what it does millions of times a day with millions of pics it doesn’t own, and I am liable for using one pic in one trivial way?” I would sympathize with you but that’s the situation right now.

2. Scenario 4 above (The Harper and Row v. the Nation case): No. Don’t confuse copyright infringement with plagiarism. The essence of plagiarism is that the copier fails to acknowledge the real author but claims work as his own. The crux of copyright infringement is that the copier uses someone’s work without their permission. Copyright infringement would still be copyright infringement even if the copier credits the author.

Joel

David, thanks again for your input. I frequently use Stock.xchng, which makes use of the Creative Commons licensing, making it possible to use their images for blog posts as long as you credit them. This is explained in the Licensing section of their website. You can also search on Flickr based on the rights assigned by Creative Commons, so you can use works you find that way too.

Alisha

Good explanation David and Joel! That makes sense with the Google pics thing. I use photos from Google on my blog and I give them credit (usually) from the site at least.

See my post above for copyright infringement regarding song lyrics. Any help would be greatly appreciated!
Laurel L. Russwurm

In Google Image Search you can select “advanced search” and choose “Usage Rights” which searches ONLY for creative commons licensed images. You can specify:

- labeled for reuse
- labeled for commercial reuse
- labeled for reuse with modification
- labeled for commercial reuse with modification

The Flickr advanced search allows “Only search within Creative Commons-licensed content” and you select commercial or non-commercial use.

I believe that all of Wikimedia commons images are available for reuse as well.

My understanding of the “Giggle” case was that initially e-sales were not part of the Book Scan project, except for public domain works. I didn’t have a problem with Giggle scanning and selling public domain works, just like any other publisher. Once anything is in public domain it should never be allowed to be removed from the public domain. Project Gutenberg is a much better solution. (Volunteer driven; better quality, free.)

Yes, Giggle was scanning whole copyright books but only providing a couple of pages, or a “fair use sized portion” so people could search a few lines of text and call up the page it was on in a search.

The first I heard of Giggle’s acquisition of digital rights to everything they scanned was in the terms of the “Giggle Books Settlement”, where Giggle went from accused copyright infringer to being given title to the digital rights to everything they scan.

From where I sit, allowing Giggle to scan all the books in all the world to make them searchable was a fair use and would have been incredibly good, not just for Giggle, but to creators and audience too. Having a settlement where Giggle gets title to everything they scan for a nominal fee is ludicrous.

Copyright laws need to change but allowing Giggle or anyone else to control the digital market would be a very bad thing. Almost as bad as A.C.T.A.

Joel

Laurel, thanks for your detailed comment. The Google Image Advanced Search is a really great tip for bloggers and publishers alike, thanks for that.

There has been so much confusion, misinterpretation and shifting parameters
of the “Giggle” case that it's hard to get a grip on. We have had long detailed
discussions on several of the publisher lists and, quite frankly, I find it arduous
to follow. But taken on its face, to scan and then make available copyrighted
works, all without any notice or permission from the copyright holder just seems
a remarkable infringement, regardless of any good that might come from it. The
project seems to want to exist outside of any laws that might constrain it. Unless
individual rights holders are given some say in the matter, it will continue to seem
invasive to me.
Top 10 Myths, Lies and Misinformation about Copyright

I used to run into this kind of call a lot, years ago when I had my own little publishing company. An author would be on the phone talking about his book and why I should publish it. “And you don’t have to worry about the copyright either,” he’d say with confidence. “I mailed myself a copy and I’ve got it locked up in a safe!”

This myth was so old it seemed to have the weight of tradition on its side. No amount of talking would convince him the package in his safe was worthless as copyright protection, and that he had copyright in his work from the time he wrote it.

But that’s just one of the myths, lies and misinformation about copyright you can run into. How many of these have you heard?

Top 10 Myths, Lies and Misinformation about Copyright

1. I didn’t see a copyright notice. It must not be copyrighted. Copyright occurs when the work is created. If you see no copyright notice, you can assume the work is protected. This has been the law in the United States since April 1, 1989, when we adopted the Berne Conventions.

2. It has a copyright notice. It must be copyrighted. Publishers have been known to knowingly print a copyright notice in a work that was not eligible for copyright. Without specific information about the particular work, the notice itself isn’t enough to determine whether the work is protected. Be safe—assume it is.

3. I only used part of it. I should be fine. “Fair Use” requires a test of four different elements to determine whether you have violated the creator’s copyright. Unless you are writing a review or engaged in satire, it’s likely you will need permission to quote from another person’s work.

4. I had my nephew do it while he was working for me. Therefore, I own the copyright. If you can prove it was a work “made for hire” and have a contract to that effect, you may be right. Lacking an agreement or proof that you requested the work specifically, it could belong to your nephew.

5. I didn’t charge any money for it, so it’s okay. Whether you profited from copying a protected work is secondary to the copying itself. That’s what’s
illegal. You can still harm someone’s rights in a property by giving away unauthorized copies.

6. **If you post it on the internet, you put it into the public domain anyway.** Since copyright begins when you create a work, you can only “put” something into the public domain by an actual statement to that effect. Posting it to a website—assuming it was posted by the copyright owner herself—does nothing to the rights of the creator of the work.

7. **I want to copyright the title of my book so nobody steals it.** Titles cannot be copyrighted, nor can names. You can trademark a title or the name of an imprint, but that’s a different process requiring patent and trademark attorneys and several hundred dollars.

8. **I just used her characters and made up my own story.** Unless you have specific permission from the author, you cannot create a work derived from someone else’s protected work. Rights to the characters and story belong to the originator.

9. **Copyright violations are just business. It’s not a crime.** Copyright violations with over 10 copies involved, or valued at over $2500 are felonies.

10. **I’m actually spreading the work, it’s like marketing. They should thank me.** If you don’t have the right to copy a protected work, it doesn’t matter how many reasons you can think up that the owner should be happy. You still don’t have the rights.

Copyright protects everyone who creates content of any kind. By protecting your rights to your own work, I’m protecting my rights at the same time. And that’s no lie.
Copyright Page Samples You Can Copy and Paste Into Your Book

One of the most common questions I get from new self-publishers is, “What do I put on the copyright page?” For some reason, the copyright page has the power to intimidate some people, with its small print and legalistic language, not to mention all those mysterious numbers.

But it doesn’t have to be that way. There are a few necessary items on the copyright page, and others that publishers add for various reasons. I’ve treated the copyright page in some detail in other posts, so if you want background please check here: Self-Publishing Basics: The Copyright Page. In a guest post, Joanne Bolton supplied some useful information for books that are printed overseas, and you can find her post here: Copyright Page Requirements for Books Printed Overseas.

To see the place of the copyright page within the book as a whole, check out An Unabridged List of the Parts of a Book.

The only elements required on a copyright page are the copyright notice itself:

© 2009 Joel Friedlander

And some statement giving notice that the rights to reproduce the work are reserved to the copyright holder.

All Rights Reserved.

Next you’ll see two versions of the copyright page, one long page with a CIP data block and a short version. Feel free to copy and paste these into your book file. Just remember to put your own information in.

Sample of a Long Copyright Page with CIP Data Block

Here’s an example of a copyright page that has the necessary elements, then adds ordering information, web address, CIP Data block (I’ve put this in gray so you can identify what is included; replace this with your own or delete it if you’re not obtaining CIP), edition information, and printing numbers (the string at the bottom) and dates for future editions.
A Short Copyright Page Example

Here’s a very short and to the point copyright page. It gives the necessary elements and not much more:

Copyright © 2010 by Wily E. Coyote

All rights reserved. This book or any portion thereof may not be reproduced or used in any manner whatsoever without the express written permission of the publisher except for the use of brief quotations in a book review.

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This is the quick and easy way to get generic copyright page language into your book. Even with this short example, your copyright page will do the job it’s supposed to do, and give interested parties the means to contact you for publishing-related questions.
How to Copyright Your Book

In this article I’m going to show you how to get a copyright application, fill it out, determine how much to pay, and exactly how to send your application and books into the Copyright Office. This is not a difficult process, but since you’re dealing with your creative work and the government at the same time, it pays to be cautious and do it properly.

One of the most common questions I hear from self-publishers hasn’t changed over the years: “How do I copyright my book?” Authors are concerned that someone might appropriate the book on which they’ve worked so long and hard.

I usually give them the 5 minute guide to copyright and advise them to wait until their book is back from the printer to register the copyright. Of course, we’ve made sure we have an accurate and complete copyright page in the book to begin with.

But now, book in hand and still a sparkle in the eye, you are ready to register your copyright. Let’s get started.

Visiting the Copyright Office—Online, That Is

The Copyright Office, a branch of the Library of Congress, is located in the James Madison Memorial Building in Washington, D.C. However, we’re going to their online location at http://www.copyright.gov/

Here’s what you’ll find when you get there:

copyright.gov
Look for the Register link (click to enlarge)

Copyright Registration Basics

You will need three elements to complete your registration:

1. A completed copyright application,
2. A (nonrefundable) filing fee, and
3. A (nonreturnable) deposit, which means a copy or copies of your book

There are also three different ways to register your copyright:

1. Online Registration—This is done through the electronic Copyright Office (eCO). The Copyright Office recommends this method as the preferred way to register books. They cite these advantages:
   * A lower filing fee ($35 as opposed to $50 or $65 for the other methods)
   * Online tracking of the status of your copyright application,
* Faster processing time and secure payment.
* Option to upload your book or mail it in.

How to do it: Use this link to go to the electronic Copyright Office and register for an account to get started. You’ll then follow the prompts to register your book.

How long it takes: “Most online filers should receive a certificate within nine months. Many will receive their certificates earlier.”

2. Registration with Fill-In Form CO—This option uses the fill-in Form CO. This uses the technology of Adobe PDF forms to create scannable barcodes on the electronic form depending on your input. When the form is printed out and sent to the Copyright Office, they are able to scan the forms and can consequently process these applications much faster than forms that must go through data entry first.

The cost of this filing form is $50, and you’ll need to have Adobe Acrobat Reader 8.0 or better on your computer. If you don’t have it you can use the link to get a copy for free.

**How to do it:** Download the Form CO by clicking through this link, and follow the instructions. At the end you’ll print out the form, which should have barcodes that look like this and which are clear, not wrinkled or smudged. You’ll then mail it with your check and 2 copies of your book to the address indicated on the form.

**How long it takes:** “Most of those who file on these forms should receive a certificate within 22 months of submission. Many will receive their certificates earlier.”

The Copyright Office also offers the following important guidelines for using fill-in form CO:

* You must submit the original 2D barcode form only. Do not send a photocopy.
* Never alter the form by hand after you print it out. The information you enter is stored in the barcodes on the form.
* Both single- and double-sided printing are acceptable.
* To achieve best results, use a laser printer. Inkjet printer copies require enlarging if you use the shrink-to-fit-page option. Dot-matrix printer copies are not acceptable.
* Inspect your printed form to confirm that 2D barcodes appear clear and free of any distortions, smudges, or fading. If such problems appear and cannot be corrected after checking your printer, do not submit the form.

3. Registration with Paper Forms—The traditional method, which the Copyright
Office is planning to phase out altogether. This uses Form TX and charges a fee of $65. However, in an apparent effort to discourage the use of these paper forms, the Copyright Office does not even offer a download of these forms from its website. Instead, you must fill out a Request for Copyright Forms by Mail to have a staffer at the CO mail you a copy of the form.

**How to do it:** Click the link above to request a copy of form TX. Fill out the form and mail it with your fee of $65 along with copies of your book to the address indicated on the form.

**How long it takes:** “Most of those who file on these forms should receive a certificate within 22 months of submission. Many will receive their certificates earlier.” Keep in mind when using any of these methods that no matter how long it takes to get your copyright certificate, your copyright registration is effective the date that the Copyright Office receives the complete submission, whatever form it takes.

### A Digression and a Visit from Pete Masterson

I noticed while navigating the Copyright Office website that there was a strange notice appearing here and there. It said: Please note that our mail service is severely disrupted. I had read about serious backlogs at the Copyright Office, so I used the terrific [Yahoo Self-Publishing discussion list](http://groups.yahoo.com/group/selfpub/) to find out what others knew about the situation. Here is the response I received from Pete Masterson. Pete is a longtime book designer, currently the president of BAIPA (Bay Area Independent Publishers Association) and the author of [Book Design and Production for Authors and Publishers](http://www.amazon.com/). With his permission, I reprint his response here:

An interesting historical note. Shortly after the Arab terrorists attacked us on 9/11, there were various threats and attacks including the Anthrax attacks and scares. For security reasons, the copyright office had all incoming packages sequestered somewhere by the Postal Service. (In an old salt mine or cavern, I think) It took ages for the Postal Service to get around to checking the packages and processing them, and finally delivering them to the copyright office.

The Postal Service had not bothered stamping “received” dates on the parcels, or even tossing them in bags marked with the “received” dates. Or properly organizing them by dates received in any way. Many of the parcels were sent with stamps, and many cancelations were illegible.

Thus, there were real issues with the effective dates of copyright registrations, and many registrants were unfortunately stripped of their ability to sue infringers. The copyright office eventually used some pretty sloppy “Kentucky Windage” to guesstimate effective dates for
many thousands of registrations, by adding a given number of days to the mailing date and figuring THAT would be the date when the thing SHOULD have been delivered. The guesestimated effective dates were based on legible postmarks. For those with no postmarks . . . tough luck; THEIR effective date was as much as a year or more later than the legitimate effective date would have been.

Having been warned – by both a Postal Service and copyright office employee – years before that, my own registrations were not affected much.

I haven’t used UPS to send in registrations.

Not an answer to the question — but a side issue. If you send a package to the Copyright Office (or any Federal agency), use a courier service — either FedEx or UPS. (Doesn’t matter if you use a ground or air service.) All packages via the USPS are irradiated (to kill biological threats) and the treatment is damaging to many books, especially those printed as digital color copies. More importantly, the service adds a significant delay to the process.

FedEx and UPS packages are not irradiated (because you can’t anonymously send packages as you can via USPS) and are not delayed.

A publisher I know sent off a copy of a book to a friend who works for a Federal Agency to his business address. Since it was a package, the government routed it through the irradiation process.

During irradiation, the book is exposed to ionizing radiation at a level that will kill all biologic organisms. It also, as a side effect, heats the target of the radiation. The result for a moderate sized (150 page) book printed in digital full color was to melt the toner, causing the book to become one solid mass — and the edges of many pages showed signs of scorching.

The book, as received, was completely unreadable and unusable.

In this case, the book was a gift to a friend. Think of how damaging to your reputation it could be if that was what was received when submitting a book for consideration by a Federal Agency!

Okay, back to work.

**Q and A with the Copyright Office**

Last, I’m going to reprint here some of the useful questions and answers from the Copyright Office website. I’ve found that authors who are thinking about self-publishing have enormous trepidation when it comes to copyright, and are
subject to all kinds of superstitions and misinformation. The cure is accurate information. Here it is, from “the horse’s mouth.”

**Do I have to send in my work? Do I get it back?**

Yes, you must send the required copy or copies of the work to be registered. Your copies will not be returned. If you register online using eCO eService, you may attach an electronic copy of your deposit. However, even if you register online, if the Library of Congress requires a hard-copy deposit of your work, you must send what the Library defines as the “best edition” of your work. ... Upon their deposit in the Copyright Office, ... all copies and identifying material, including those deposited in connection with claims that have been refused registration, are the property of the U.S. government.

**Will my deposit be damaged by security measures in place on Capitol Hill?**

To avoid damage to your hard-copy deposit caused by necessary security measures, package the following items in boxes rather than envelopes for mailing to the Copyright Office:

* electronic media such as audiocassettes, videocassettes, CDs, and DVDs
* microform
* photographs
* slick advertisements, color photocopies, and other print items

**May I register more than one work on the same application? Where do I list the titles?**

You may register unpublished works as a collection on one application with one title for the entire collection if certain conditions are met. It is not necessary to list the individual titles in your collection. Published works may only be registered as a collection if they were actually first published as a collection and if other requirements have been met. See Circular 1, Copyright Basics, section “Registration Procedures.”

**Do I have to use my real name on the form? Can I use a stage name or a pen name?**

There is no legal requirement that the author be identified by his or her real name on the application form. For further information, see FL 101, Pseudonyms. If filing under a fictitious name, check the “Pseudonymous” box when giving information about the authors.

**Will my personal information be available to the public?**

Yes. Please be aware that when you register your claim to a copyright in a
work with the U.S. Copyright Office, you are making a public record. All the information you provide on your copyright registration is available to the public and will be available on the Internet.

**Can I submit my manuscript on a computer disk?**

No. Floppy disks and other removal media such as Zip disks, except for CD-ROMs, are not acceptable. Therefore, the Copyright Office still generally requires a printed copy or audio recording of the work for deposit. However, if you register online using eCO eService, you may attach an electronic copy of your deposit. However, even if you register online, if the Library of Congress requires a hard-copy deposit of your work, you must send what the Library defines as the “best edition” of your work. For further information, see Circular 7b, Best Edition of Published Copyrighted Works for the Collection of the Library of Congress, and Circular 7d, Mandatory Deposit of Copies or Phonorecords for the Library of Congress.

**Can I submit a CD-ROM of my work?**

Yes. The deposit requirement consists of the best edition of the CD-ROM package of any work, including the accompanying operating software, instruction manual, and a printed version, if included in the package.

**Does my work have to be published to be protected?**

Publication is not necessary for copyright protection.

**How much do I have to change in my own work to make a new claim of copyright?**

You may make a new claim in your work if the changes are substantial and creative, something more than just editorial changes or minor changes. This would qualify as a new derivative work. For instance, simply making spelling corrections throughout a work does not warrant a new registration, but adding an additional chapter would. See Circular 14, Copyright Registration for Derivative Works, for further information.

**Do you have special mailing requirements?**

If you register online, you may attach an electronic copy of your deposit unless a hard-copy deposit is required under the “Best Edition” requirements of the Library of Congress. See Circular 7b. If you file using a paper application, our only requirement is that all three elements—the application, the copy or copies of the work together with the shipping slip printed when you fill out Form CO online, and the filing fee—be sent in the same package. Please limit any individual box to 20 pounds. Many people send their material to us by certified mail, with a return receipt request, but this is not required.
A Final Word on Copyright

Well, there you have it. In practice, this is not a complicated process. Most people will simply log onto the Copyright Office website, create an account and fill out the online form. It doesn’t take long and it’s not very intimidating. In the interest of being thorough, I like to give you all the options so you can decide which suits you best.

But don’t neglect this important task. Although your book will still be copyrighted, if you don’t send in the forms and the filing fee, your copyright will not be registered. And it’s the registration that will be critical if there’s any dispute about your copyright in the future.

**Takeaway:** The simplest way to [copyright your book](http://www.TheBookDesigner.com) is through the online facility provided by the Copyright Office. Be aware of your choices in registering your copywrite, but don’t fail to get it done.

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