

CLIENT ALERTS

Good news for short online content creators!

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Copyright Office makes short online text registration easier

The old adage of “be brief, be bright, be gone” has inspired authors to become masters of concise content. We write essays and white papers that are published on corporate websites. We write columns and articles that are posted with online newspapers. We craft blogs and even social media posts that we publish on social media websites and social networking platforms. These works often become critical components of our business content and valuable intellectual property.

But protecting these works and fending off would-be infringers can be challenging and cost-prohibitive. As the Supreme Court ruled in *Fourth Estate Public Benefit Corporation v. Wall-Street.com*, copyright owners must have a registration before pursuing infringement claims in court. Not only that, but under copyright law, registration must occur before any infringement or within three months after publication in order to be eligible for attorney fees and statutory damages. For creators of online content, this requirement for registration can be costly, because each work must be filed individually, and fees can run between \$45 and \$65 for each filing.

In response to this challenge, three years ago the National Writers Union, the American Society of Journalists and Authors, the Science Fiction and Fantasy Writers of America, Inc., and the Horror Writers Association submitted a petition to the Copyright Office seeking a new group registration procedure for short-form works. The goal was to create a protocol to allow authors to submit one application with one fee per quarter. Other authors’ groups endorsed this petition, hoping to lessen the cost challenges for authors of short online pieces, including “blogs, public Facebook posts ... short articles, and even copyrightable tweets.”

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The Copyright Office published a notice of proposed rulemaking on December 21, 2018 to establish a new group registration for short online literary works, labeled “GRTX.” The final rule will be effective August 17, 2020, the date when the new filing process becomes available for these short works.

Described below is what you need to know to file a GRTX registration:

How large can the submission be?

You may submit up to 50 works under one GRTX filing. Each work must have at least 50 words, but can have no more than 17,500 words. The submission can only claim text—images would require separate registration.

Who can author these works?

The same individual must author the works, or if they are multiple authors, the same individuals must be the authors. Each author will be named as a copyright claimant for each submitted work. Notably, works made for hire are excluded from GRTX filings.

What is the timeframe for publication of the works?

All of the works must be published online within a three month period and the submission must identify the earliest and latest dates of publication.

How much is the filing fee?

The governmental filing fee is \$65.

Will the Copyright Office review the submissions?

Yes. For each submission, the applicant will upload a .ZIP file that has each of the works in a separate file. The Copyright Office will review each work to establish whether it contains a “sufficient amount of unique authorship.” If each work satisfies the criterion, then each of the separate works will be registered as a separate work of authorship.

Butzel Long is ready and available to assist if you recently and/or frequently author any of these categories of short online works. For more information on this or other issues relating to online content, please contact the authors of this bulletin or your Butzel Long Media, Technology, or Intellectual Property attorney.

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