

Copyright Development

U.S. Copyright Office Announces New Group Registration Option for Short Online Literary Works

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The U.S. Copyright Office [announced](#) a [Final Rule](#) setting forth a new registration procedure allowing copyright applicants the option to register groups of short online literary works with a single application and single filing fee. This option, which is expected to be available in August 2020, should offer substantial cost savings to prolific authors, bloggers and other online content creators seeking to protect their creative output. Group Registration of Short Online Literary Works, 85 Fed. Reg. 37,341 (June 22, 2020) (revising 37 C.F.R. § 202.4).

Group Registration

Generally, the Copyright Office requires that copyright applications cover a single work, and that a separate application, filing fee and deposit copy be submitted for that work. The Office does offer certain exceptions to this general rule, including for collective works, groups of unpublished works, published photographs, and serial or daily publications such as newspapers or periodicals.

Online literary works were previously ineligible for group registration because they did not qualify as contributions to periodicals. However, given that many authors distribute their daily or near-daily output online and not through traditional periodicals, this option was added to accommodate these common practices.

Nuts and Bolts

To qualify as a “short online literary work,” a work must consist solely of text, and contain at least 50 and no more than 17,500 words. Examples of such works, which must have been published as part of a website or online platform (including social media platforms), include poems, short stories, articles, essays, columns, blog entries or social media posts. The work must be solely textual, so works containing visual or sound elements are not eligible for this group registration option.

The new group registration option will allow for up to 50 such works to be included in a single copyright application, with the payment of a single filing fee (currently \$65). All of the works in the application must have been published online within a three-calendar-month period, and the application must set forth the earliest and latest date that the works were published. All of the works must have been created by the same individual author, or if the works were jointly created, by the same group of joint authors. If the works were jointly authored, then the joint authors must be identical for each work, or the application will be refused. Works for hire are not eligible for this group registration option.

The Office is currently preparing a new online application to accommodate this group registration option, and expects that the application will be available in August 2020. The application will require submission of a deposit copy of each individual work, and will set forth the technical requirements for the uploading of these copies. Notably, the application must include a separate digital file for each work, the file name for each work must match the title of the work as submitted in the application, and each work must be compiled into a single ZIP file and uploaded into the application system. The Office will strictly enforce these filing requirements, so applicants are advised to carefully follow the application instructions.

Takeaways

This new group registration option offers a strong incentive for authors who publish online to obtain copyright protection for their works. Current practice only allows such works to be registered individually, and effectively requires a \$65 fee per work (or \$45 if the work is not for hire and by a single author who is also the claimant). The new option will allow up to 50 works to be registered with the payment of a single \$65 fee, a substantial cost savings for authors whose works qualify for this option.

If you have any questions about this article or any other copyright issue, contact [Justin I. Karasick](#) or your CLL attorney.

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Justin Karasick is an Associate in the Intellectual Property group. Justin has experience advising and assisting clients with U.S. and international trademark and copyright matters, including trademark clearance, prosecution, maintenance, enforcement, and global anti-counterfeiting programs. Justin also assists clients in contested proceedings, including Trademark Trial and Appeal Board practice and domain name disputes.