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North Carolina Law Life

Should I Get a Copyright or a Creative Commons License?

By: Donna Ray Berkelhammer. *Monday, January 21st, 2013*

In short, yes. It often makes sense to both register your work with the **US Copyright Office** and get a **Creative Commons** License if you want an easy way to share your work.

Copyright is a bundle of exclusive rights that are automatically granted to a copyright owner (artist, musician, author, choreographer, programmer) once the work is "fixed in a tangible medium" — written, recorded in audio or visual form, stored in a computer memory system. These rights are:

1. Copy the work;
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3. Display the work;
4. Modify or create **derivative works** of the work;
5. Perform the work; and
6. In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.

Copyright law protects **original works of authorship** including literary, dramatic, musical, and artistic works, such as poetry, novels, photographs, drawings, movies, songs, computer software, and architecture. Recipes and web sites sometimes can be protected. Copyright protects the **expression** of ideas, but does not stop other people from creating their own expression of the idea. It does not protect domain names, titles, slogans, most logos, band names, company names, facts, ideas, systems or methods of operation.

Unless you get a federal registration, you cannot sue for infringement and your ability to get damages will be greatly reduced. Registered works are entitled to certain presumptions under the law, and are eligible for statutory damages and attorneys' fees, which makes the case much simpler and more efficient to bring. Otherwise you have the costly and burdensome job to prove the actual damages you suffered from the infringement.

Registration requires submitting a form, a copy of your work and a fee of as little as $35 for online registration to the U.S. Copyright Office.

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