

TOP 10 REASONS TO REGISTER YOUR COPYRIGHT

The sheer act of creating an original piece of art makes it yours and yours alone. That unique beat, the words to a song, steps to a dance, or outline to a TV pilot: It's your intellectual property. This property, like real estate or a bank account, holds value and you should protect it. Certainly, if someone is to become famous from your musical ideas or reap vast profits from their sale, it should be you and not the person who ripped your ideas off.

In an ideal world, no one would steal intellectual property and claim it as theirs. Even in a perfect world people can still innocently and independently create works of art that are functionally identical. Proving that you created the work of art first would be a difficult task at best. Nevertheless, just like there are vaults to protect your money and deeds to prove you own land, the law provides a simple way to protect your intellectual property: registering a copyright. With due apologies to David Letterman, and in no specific order, here are the 10 Ten Reasons to Register a Copyright:

1. A registered copyright puts the rest of the world on notice. It's your legal proclamation to the world that you own certain intellectual property and unauthorized copies are illegal. Registration warns would be thieves that any larceny of your ideas is at their own risk.
2. A registered copyright protects your intellectual property from innocent, but unauthorized, reproduction. A famous example of this occurred when David Bowie sued Vanilla Ice for copyright violation over the hook to "Ice, Ice Bay." Even though Vanilla Ice claimed he innocently copied the beat (later retracted), he still owed David Bowie compensation for its use without permission.
3. A registered copyright gives credit where credit is due. This is a legal, public record that you are the author of a work of art, not someone else. Registration vindicates a very important principle beyond issues of money.
4. A registered copyright let's you sue for 'statutory damages' and attorney fees. In simple terms, suing for statutory damages means you don't have to prove that you actually suffered harm from a copyright violation. A typical lawsuit requires proving harm. You can sue for up to \$150,000 for an intentional violation and up to \$30,000 for an unintentional violation. CAUTION: you must register your copyright within 3 months of making it public to be able to sue for statutory damages.
5. A registered copyright, in a copyright infringement lawsuit, provides clear evidence that you own certain intellectual property. This means that the defendant in the lawsuit has the burden of proving that no violation occurred or they lose.
6. A registered copyright allows you to record the copyright with U.S. Customs. U.S. Customs in turn will protect you against the importation of illegal copies from other countries.

7. A registered copyright lets you stop someone from making illegal copies. You can obtain a court order that forces an infringing party to cease and desist from their infringement. This is what occurred when record labels sued Napster.
8. A registered copyright is necessary to sue for copyright infringement. In order to take advantage of the system, you need to be a player. You gain significant legal protection by registering your copyright under the laws of copyright.
9. A registered copyright provides legal protection beyond death. U.S. Copyright laws often create a situation where your copyright can still be enforced after you're long gone. Although you can't take riches to heaven, this would be important for someone who wants to provide for loved ones after they're gone.
10. A registered copyright saves time and money. It's certainly possible to sue someone for stealing your intellectual property even without a registered copyright, it's just not a good idea. For some reason, waving a certificate of copyright, rather than lyrics scribbled on a napkin, just seems to go over better in court. Registering a copyright makes this legal process much more simple and cost effective when an attorney is necessary.

This is my list of the top 10 reasons to register a copyright. It doesn't mean that there are only 10 reasons, though, or that we can agree these are the 10 most important reasons. What other reasons are there to register a copyright or why do you think one reason is more important than another?

- *Ari Good, Esq.*

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