

# Ebooks: Protecting Your Work

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With the new technologies and methods of delivery available to authors today, come new questions regarding protection for their works. If you have an ebook in the works or have just completed one, you may be wondering whether or not you need to take steps to protect it and what those steps might be.

If you are publishing your ebook in the United States and it contains copyrightable content, that content is afforded the same copyright protection it would have if it were in a traditionally published book—that is, if it were in print format. Below are a few questions and answers regarding copyright that may prove helpful to new ebook authors.

## **What exactly is copyright and how does it apply in the US?**

Copyright is a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright may cover both published and unpublished works.

## **Does my ebook content fall into the categories protected by copyright?**

One of the requirements for copyright is that the work be fixed in a tangible form. Your ebook qualifies in that area.

Another requirement is that it employs a minimal amount of creativity. An example of content that may not qualify for copyright is listings of ingredients. The content in phone books is another example that may not qualify.

The work must also be original to qualify for copyright protection under US copyright law. Only those parts of an ebook that are the original work of a creator may be copyrighted by that creator.

## **What rights do I have under copyright law?**

The Copyright Act grants the following exclusive rights to you as the copyright owner of your book:

1. reproduction rights: the right to make copies
2. distribution rights: the right to sell or otherwise distribute copies to the public

3. right to create adaptations (derivative works); that is, the right to create new works based on the protected work
4. performance and display rights: the right to perform or display a work in public

### **When is my copyrighted work protected?**

Your work is under copyright protection the moment it is created and fixed in a tangible form that is perceptible either directly or with the aid of a machine or device.

### **Should I register my copyright?**

There are five reasons you may want to consider official copyright registration with the US Copyright Office even though it is under copyright protection in the US from the time it is created.

1. Registration establishes a public record of the copyright claim.
2. For your ebook of US origin, registration is necessary before you can file a copyright infringement suit in US court. It can take months to register your copyright once you discover an infringement. There is a process for expediting registration, but it requires what you may consider a hefty fee.
3. If registration is made for your book within three months of its publication, statutory damages will be available to you in court actions when you succeed with claims of infringement. **Statutory damages** in some cases could be significantly more than the **actual damages** suffered by you as the rights holder or significantly more than the profits made by the person infringing on your copyrighted work.
4. If made within 5 years of publication, the registration will prove the validity of your copyright.
5. Registration allows the owner of the copyright to record the registration with the United States Customs Service for protection against the importation of infringing copies.

### **Where do I go to register my copyright?**

You can find the US Copyright Office website at: <http://www.copyright.gov>

### **How do I register my copyright?**

Below are the methods open to you for registering your copyright.

### **Option 1: Online registration**

Online registration through the electronic Copyright Office (eCO) is the preferred way to register basic claims for literary works. Advantages of online filing include

- a lower filing fee of \$35;
- the fastest processing time among registration methods;
- online status tracking;
- secure payment by credit or debit card, electronic check, or Copyright Office deposit account; and
- the ability to upload certain categories of works directly into eCO.

The system will prompt you to specify whether you intend to submit an electronic or a hardcopy deposit (a copy or copies of the work being registered and “deposited”), and it will provide instructions accordingly. Note that you may still register using eCO and save money even if you submit a hardcopy deposit.

You can access eCO by going to the Copyright Office website at <http://www.copyright.gov> and click on *electronic Copyright Office*.

### **Option 2: Registration with fill-in Form CO**

The next best option for registering basic claims is the new fill-in Form CO using 2-d barcode scanning technology. The Copyright Office can process these forms much faster and more efficiently than traditional forms completed manually.

Simply complete Form CO on your personal computer (only your signature and the date may be handwritten), print it out, sign it, and mail it along with a check or money order and your deposit. (Credit cards are not accepted for filings on Form CO unless they are hand-delivered to the Public Information Office.) The fee for a basic registration on Form CO is \$50. To access Form CO, go the Copyright Office website and click on *Forms*.

### **Option 3: Registration with paper forms**

Paper versions of Form TX (the form for literary works) are still available. The fee for a basic registration using one of these forms is \$65 payable by check or money order. (Credit cards are not accepted for filings on these forms unless they are hand-delivered to the Public Information Office.)

These paper forms are not accessible on the Copyright Office website; however, staff will send them to you by postal mail upon request. (There is a limit of two copies of each form.)

## **What do I need to include in my registration?**

An application for copyright registration contains three essential elements: a completed application form, a nonrefundable filing fee, and a nonreturnable deposit—that is, a copy or copies of the work being registered and “deposited” with the Copyright Office.

## **What are some ways I can control the use of my copyrighted work and deter others from exercising my rights under copyright law?**

1. Give notice that the content of your ebook is protected under copyright law. A valid copyright notice on the copyright page of your ebook should contain the following three elements: the copyright symbol, the year in which the book was published, and the name of the copyright owner.
2. When you grant permission to others to use your copyrighted content, do so in writing and include any limitations you wish to place on your grant.

## **But when and how should I grant others permission to reproduce, distribute or adapt my work?**

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<http://www.creativecommons.org>.

## **Conclusion**

Whatever your reasons for publishing, whatever format you choose, when making decisions regarding its copyright, consider your effort in producing your work. When you have, you will probably decide that the time it takes for you to understand the basics of copyright and how they affect your work is time well spent.

*While all information in this article is believed to be correct at the time of writing, the sole purpose of the material presented herein is to alert readers to issues, and also to educate and inform readers. It is not intended as legal advice. Sometimes, further details may be necessary for a complete understanding of the information presented here. If you require legal advice, you should consult with a lawyer.*

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