

New “eCO” System Speeds Copyright Registrations

By Janet Fries and Philip J. Cardinale

Drinker Biddle

Processing delays at the U.S. Copyright Office have lengthened, with paper applications taking eight months or more to produce registration certificates. But under a new web-based registration system, turnaround times can be reduced to little more than one week.

The Copyright Team at Drinker Biddle started filing applications electronically last year as an original beta tester of the new electronic Copyright Office (eCO) online registration system and has been offering the service to clients since July 2007.

The new eCO system is not only much faster, it is also less expensive. The base filing fee of \$45 per paper application is reduced to \$35 for applications submitted electronically. In many cases deposit materials can be uploaded directly to the Copyright Office. Where uploading is not possible, Drinker Biddle’s DC office offers hand delivery of submissions in conjunction with electronic filing. Hand delivery is especially important in light of continuing processing problems related to the irradiation of federal mail following the 2001 anthrax attacks. In the past, irradiation – to which all mail to the Copyright Office is subjected – has damaged photographic film and other sensitive copyright deposit materials, including paper.

Currently, the types of claims that can be handled by the eCO service include works that would otherwise be filed using Forms PA (films and other works of performing arts), SR (sound recordings), TX (computer programs and literary works), and VA (works of visual arts), as well as Form SE for single serial issue reg-

istrations. Other claims, such as group registrations and filings using Forms CA (corrections) and RE (renewals), are gradually being added to the electronic service.

Processing times for eCO registrations are currently almost as fast as the much more expensive (more than \$600) option of expedited Copyright Office filing. Moreover, the electronic system allows online tracking of registration status. The Copyright Office plans to eventually transfer all filings online while moving to a single registration form (to be titled “Form CO”) that will replace current PA, SR, TX, VA and SE Forms. As part of this plan, a Federal Register Notice announced on April 30, 2008 a proposal to amend current regulations governing group registrations – which allow filing groups of certain works on a single application – to require registrants to file online. If this proposal takes effect, the paper forms for group registrations will be the first to be discontinued.

Janet Fries, partner in the firm’s Washington, DC office, recently hosted a program for the DC Bar at which Jeffrey Cole, Chief of the Literary Division at the Copyright Office, explained the new eCO service to attorneys. Mr. Cole noted during his presentation that electronic filings have increased exponentially since the eCO system began beta testing last year, and the surge in electronic applications has in part caused the backlog in paper registrations. He added that beta testing will be completed in the near future, but the Copyright Office has not set a specific target date at this time.

Clients are advised to take advantage of online filings offered by Drinker Biddle's Copyright Team for reduced fees and faster issuance of copyright certificates. Please contact a member of the Team if you have any questions.

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