

## Special Handling

Special handling is the expedited processing of an online or paper application for registration of a claim to copyright or for the recordation of a document pertaining to copyright. It is granted in certain circumstances to those who have compelling reasons for this service. It is subject to the approval of the chief of the Receipt Analysis and Control Division, who must consider the workload of the Copyright Office at the time the request is made.

### *When Is Special Handling Granted?*

Special handling is granted only in the following specific circumstances:

- pending or prospective litigation
- customs matters, or
- contract or publishing deadlines that necessitate the expedited issuance of a certificate

Special handling is not available for requests to reconsider a refusal to register.

### *Processing Time for Special Handling Cases*

Once a request for special handling is received and approved, every attempt is made to process the claim or recordation within five working days. However, no guarantee is made that the work can be processed within this time. If correspondence is required, the Office makes every effort to process the claim expeditiously after the reply is received. Once a claim is processed, the Office either issues the certificate of registration or notifies the applicant of any defect in the claim. In the case of a document, the document is returned with a certificate of recordation.

Please note that the electronic record of a registration or recordation may not be immediately available.

### *To Expedite Processing, Register Online*

The preferred way to register basic claims for literary works; visual arts works; performing arts works, including motion pictures; sound recordings; and single serials is online through the electronic Copyright Office (eCO) at [www.copyright.gov](http://www.copyright.gov).

The advantages of online filing include a lower filing fee; fastest processing time; 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 deposits directly into eCO as electronic files.

**\*NOTE:** You can still register using eCO even if you will submit a hard-copy deposit, which is required under the mandatory deposit requirements for most published works. The system will prompt you to specify whether you intend to submit an electronic or a hard-copy deposit, and it will provide instructions accordingly.

## Special Handling Fee

Special handling of a registration requires a special handling fee in addition to the registration fee. Likewise, special handling for recording a document(s) requires a special handling fee in addition to the fee for recording the document(s). The fee may be charged to a deposit account established in the Copyright Office or may be paid by check or money order. The fee may also be paid in cash or by credit card if it is paid in person at the Copyright Office. If a check is returned for insufficient funds, the registration or recordation will be canceled. Filing fees remitted to the Copyright Office for special handling will not be refunded, whether or not the certificate of registration is ultimately issued. To cover administrative and processing costs, fees received in conjunction with requests for services may not be refunded even when the services cannot be provided.

**NOTE:** Copyright Office fees are subject to change. For current fees, please check the Copyright Office website at [www.copyright.gov](http://www.copyright.gov), write the Copyright Office, or call (202) 707-3000.

**About paying the fee:** Drafts (checks) must be redeemable without a service or exchange fee through a U.S. institution, must be payable in U.S. dollars, and must be imprinted with American Banking Association routing numbers. International money orders and foreign postal money orders that are negotiable only at a post office are not accepted. Deposit accounts must contain sufficient funds. If a replenishment check accompanies a claim, processing cannot begin until the money has been posted to the deposit account.

### Conversion of Checks

Checks and money orders presented in payment for Copyright Office services will be converted into an electronic funds transfer (ETF). This means the Copyright Office will copy your check and use the account information on it to debit your account electronically for the amount of the check. The debit from your account will usually occur within 24 hours of processing and will be shown on your regular account statement.

You will not receive your original check back. The Office will destroy your original check but will keep an electronic copy of it. If the EFT cannot be processed for technical reasons, the Office will reprocess a paper copy of your original check. If the EFT cannot be completed because of insufficient funds, your service request will not be processed.

## Multiple Claims with One Deposit

Special handling fees differ only with the following exception: if special handling is requested for only one of several claims submitted at the same time with a single deposit, which is an acceptable deposit for all the claims, there will be an additional fee for each claim using the same deposit. This fee will be added to the fee charged for regular handling, plus the filing fee for each claim. The claim for which special handling is requested is processed for the special handling fee plus the filing fee. The other claims sharing the deposit do *not* get special handling.

This narrow exception applies only where a single set of deposit copies may appropriately be submitted to register multiple claims in accordance with the practices of the Copyright Office. The applicant is given the option of submitting an additional set of copies for the other applications to avoid assessment of the special fee.

## Special Handling Fee Suspended in Certain Cases

Because of current delays in the processing of applications for registration due to the Office's implementation of its business process reengineering program, the Office has determined that the special handling fee, which is in addition to the regular fee for an application to register a copyright claim, will not be assessed for conversion of a pending application to special handling status when the application has been pending for more than six months without any action by the Copyright Office and the applicant has satisfied the Office that expedited handling is needed because the applicant is about to file a suit for copyright infringement. This interim rule will expire on July 1, 2011.

## How to Request Special Handling

Special handling may be requested online, in person, or by mail. The Copyright Office has a form that applicants who come to the Office are asked to fill out indicating the need for special handling. Applicants by mail must provide a letter stating why there is an urgent need for special handling. The urgent need must fall within one of the three previously mentioned categories. The request must also include a signed statement certifying that the information contained in the request is correct to the best of the requestor's knowledge.

The request form or letter must also be accompanied by the following:

- the appropriate application form for registration or the document that is to be recorded

- the required deposit copies, phonorecords, or identifying material
- the nonrefundable filing fee or recordation fee, and
- the special handling fee

Special handling procedures may be applied to cases pending in the Copyright Office, provided the previously mentioned criteria are met.

### **Online Request**

The eCO online system allows you to include a request for special handling and either to upload a digital copy or mail in a hard copy to the special handling address below.

### **In-Person Request**

To request special handling in person, a private party should come to the Public Information Office of the Copyright Office, Library of Congress, 101 Independence Avenue SE, Washington, DC, between the hours of 8:30 AM to 5:00 PM, eastern time, Monday through Friday, except federal holidays. *Do not use this address for special handling correspondence. Requests hand-delivered to the Public Information Office must be clearly labeled “Special Handling.”*

### **Courier-Delivered Request**

Courier deliveries are made to the Congressional Courier Acceptance Site located at 2ND and D Streets NE, Washington, DC, Monday through Friday between 8:30 AM to 5:00 PM. Items left at the Congressional Courier Acceptance Site are generally delivered to the Copyright Office the next morning. It is important that packages left at the Congressional Courier Acceptance Site be no larger than 12" × 18" × 4" in size. Larger packages will experience a significant delay.

### **Mail-in Request**

If you mail a special handling request, *we strongly encourage you* to use the following address:

*Special Handling  
Copyright RAC Division  
PO Box 71380  
Washington, DC 20024-1380*

**NOTE:** This is a U.S. Postal Service mailbox. Delivery to this address should be by way of the U.S. Postal Service (registered or certified mail if tracking capability is desired), rather than by a private carrier.

Because this mail is delivered via the Congressional Courier Acceptance Site, items mailed to this address must not exceed

12" × 18" × 4" in size. Packages exceeding these dimensions may be sent to the following address:

*Special Handling  
Department 100  
Washington, DC 20540*

However, the Office strongly suggests they be delivered in person.

### **Requests for Claim Already in the Copyright Office**

To request special handling for an online or paper claim that is already in the Copyright Office, it is strongly recommended that you call ahead to be sure the Office can locate your materials. Call the Receipt Analysis and Control Division at 202-707-7700 or email [mcs@loc.gov](mailto:mcs@loc.gov). Be ready to provide identifying information about the pending claim, including:

- the exact title appearing on the application
- the names of the author(s) and claimant(s)
- a full description of the deposit copy or copies
- how and when the claim was delivered to the Copyright Office (in person, by courier, or by mail)
- if sent by mail, the type of mailing (registered, certified, first class, etc.)

### **Certified Copy of a Deposit**

If you need a certified copy of a deposit, include the request for certification, the certification fee, and the minimum copying fee together at the time you request special handling. Submit all these items together in one package. This will facilitate the certification process and avoid payment of certain fees at a later date. The certified copy will be mailed under separate cover. See Circular 6, *Obtaining Access to and Copies of Copyright Records and Deposits*, for additional information on requesting a certified copy of a deposit.

### **Effective Date of Registration**

When the Copyright Office issues a registration certificate, it assigns as the effective date of registration the date it received all the required elements — an application, a nonrefundable filing fee, and a nonreturnable deposit — in acceptable form, regardless of how long it took to process the application and mail the certificate. You do not have to receive your certificate before you publish or produce your work, nor do you need permission from the Copyright Office to place a copy-

right notice on your work. However, the Copyright Office must have acted on your application before you can file a suit for copyright infringement, and certain remedies, such as statutory damages and attorney's fees, are available only for acts of infringement that occurred after the effective date of registration. If a published work was infringed before the effective date of registration, those remedies may be available if the effective date of registration is within three months after the first publication of the work.

## For Further Information

### **By Internet**

Circulars, announcements, regulations, other related materials, and certain copyright application forms are available from the Copyright Office website at [www.copyright.gov](http://www.copyright.gov). To send an email communication, click on *Contact Us* at the bottom of the homepage.

### **By Telephone**

For general information about copyright, call the Copyright Public Information Office at (202) 707-3000. Staff members are on duty from 8:30 AM to 5:00 PM, eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day. Or, if you know which application forms and information circulars you want, request them 24 hours a day from the Forms and Publications Hotline at (202) 707-9100. Leave a recorded message.

### **By Regular Mail**

Write to:

*Library of Congress  
Copyright Office-COPUBS  
101 Independence Avenue SE  
Washington, DC 20559-6304*