

Cartoons and Comic Strips

The copyright law of the United States (title 17 of the *U.S. Code*) provides for copyright protection of literary and artistic works. Copyright protection begins automatically when a work is first created in a fixed form. Cartoons and comic strips are among the types of works of authorship protected by copyright. This protection extends to any copyrightable pictorial or written expression contained in the work. Thus a drawing, picture, depiction, or written description of a character can be registered for copyright. Protection does not, however, extend to the title or general theme for a cartoon or comic strip, the general idea or name for characters depicted, or their intangible attributes. Although the copyright law does not provide such protection, a character may be protected under aspects of state, common, or trademark laws, and titles and names may sometimes be protected under state law doctrines or state and federal trademark laws. Consult an attorney for details.

Copyright Registration

Registration in the Copyright Office establishes a public record of a copyright claim. Before an infringement suit can be filed in court, registration is necessary for works of U.S. origin, and timely registration can also provide a broader range of remedies in an infringement suit. See circular 1, *Copyright Basics*, for more information on the benefits of 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. See “Deposit Requirement” on page 2 for a description of the required deposit for comic strips and cartoons.

Applicants can register a cartoon or comic strip as a visual arts work or a literary work, depending on the nature of the work and the way it is presented. Generally, cartoons are considered works of the visual arts; however, if textual elements are preponderant in a cartoon or comic strip, it should be registered as a literary work.

Here are the options for registering your copyright, beginning with the fastest and most cost-effective method.

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

Option 1: Online Registration

Online registration through the electronic Copyright Office (eCO) is the preferred way to register basic claims for literary works; visual arts works; performing arts works, including motion pictures; sound recordings; and single issues of serials. Basic claims include (1) a single work; (2) multiple unpublished works if they are all by the same author(s) and owned by the same claimant; and (3) multiple published works if they are all first published together in the same publication on the same date and owned by the same claimant. 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, however, that hard-copy deposits are required for all published works.

NOTE: You can still register using eCO and save money even if you will submit a hard-copy deposit. 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.

To access eCO, go to the Copyright Office website at 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 Office can process these forms much faster and more efficiently than paper 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 the original (copies will not be accepted) along with a check or money order and your deposit. To access Form CO, go to the Copyright Office website and click on *Forms*.

Option 3: Registration with Paper Forms

Paper versions of Form VA (visual arts works), Form TX (literary works), and Form CON (continuation sheet for paper applications) are still available. These paper forms are not accessible on the Copyright Office website; however, staff will send them to you by postal mail upon request. Remember that online registration through eCO and fill-in Form CO (see above) can be used for cartoons and comic strips.

Send the elements to this address:

*Library of Congress
Copyright Office-VA
101 Independence Avenue SE
Washington, DC 20559-6211*

Deposit Requirements

The deposit requirements for cartoons and comic strips will vary in particular situations. The general requirements are as follows:

- If the work is unpublished, one complete copy.
- If the work was first published in the United States before January 1, 1978, two complete copies of the work as first published.
- If the work was first published in the United States on or after January 1, 1978, two complete copies of the best edition.
- If the work was first published outside the United States, whenever published, one complete copy of the work as first published.
- If the work is a contribution to a collective work and first published on or after January 1, 1978, one of the following: one complete copy of the best edition of the entire collective work, the complete section containing the contribution if published in a newspaper, the entire page containing the contribution, the contribution cut from the paper in which it appeared, or a photocopy of the contribution itself as it was published in the collective work. If first published before January 1, 1978, one complete copy of the issue as first published containing the contribution.

Registration of Collections and Contributions

A single registration can be made for cartoons published as a unit (for example, a comic book), provided that the copyright claimant is the same for all elements in the unit.

Two or more unpublished cartoons or comic strips can be considered for registration as a unit on a single application when submitted with a nonrefundable filing fee and a nonreturnable deposit of the work if the following four conditions are met:

- the selections are assembled in an orderly form;
- the combined selections bear a single title identifying the collection as a whole;
- the copyright claimant in all the selections and in the collection as a whole is the same; and
- all the selections are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each of the selections.

Works registered as a collection will be recorded in the records of the Copyright Office only under the collection title. *Copyright registration of cartoons and comic strips extends only to copyrightable selections deposited at the time of registration.* There is no blanket registration that will cover works to be produced in the future.

A cartoon or comic strip published as a contribution to a periodical (for example, a magazine or newspaper) may be considered for group registration if certain conditions are met. Contact the Copyright Office for information and instructions on group registration for contributions to periodicals.

Notice of Copyright

Before March 1, 1989, the use of copyright notice was mandatory on all published works, and any work first published before that date should have carried a notice. For works first published after March 1, 1989, the copyright notice is optional. For details, see Circular 3, *Copyright Notice*.

Effective Date of Registration

A copyright registration is effective on the date the Copyright Office receives all the required elements in acceptable form. The time the Copyright Office requires to process an application varies, depending on the amount of material the Office is receiving and the method of application.

If you apply online for copyright registration, you will receive an email notification when your application is received.

If you apply on a paper form, you will not receive an acknowledgment of your application, but you can expect:

- a certificate of registration indicating that the work has been registered,
- a letter, email message, or telephone call from the Copyright Office if further information is needed, or
- if the application cannot be accepted, a letter explaining why it has been rejected.

The Copyright Office cannot honor requests to make certificates available for pickup or to send them by Federal Express or another express mail service. If you want to know the date that the Copyright Office receives your paper application or hard-copy deposit, use registered or certified mail and request a return receipt.

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.

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 circulars you want, call the Forms and Publications Hotline at (202) 707-9100 and leave a recorded message.

By Regular Mail

Write to:

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

