

COPYRIGHTS © TRADEMARKS™

- **Distinguishing Factors**
- **Protecting Your Work**

Presented by the Arts Council of New Orleans



© Ashlye M. Keaton, Esq. 2007

Copyright ©

- Defined:
 - Copyright protection subsists in the following:
 - original works of authorship
 - fixed in any tangible medium of expression,
 - now known or later developed
 - from which they can be perceived, reproduced, or otherwise communicated
 - either directly or with the aid of a machine or device.

Duration of Copyright ©

- Life of the Author plus 70 years
- 90 years in the case of a legal entity i.e. corporation

Original Works of Authorship:

- (1) literary works;
- (2) musical works, including any accompanying words;
- (3) dramatic works, including any accompanying music;
- (4) pantomimes and choreographic works;
- (5) pictorial, graphic, and sculptural works;
- (6) motion pictures and other audiovisual works;
- (7) sound recordings; and
- (8) architectural works.

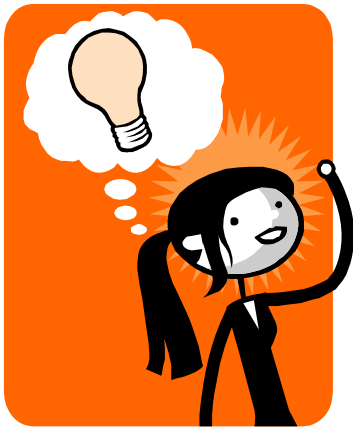
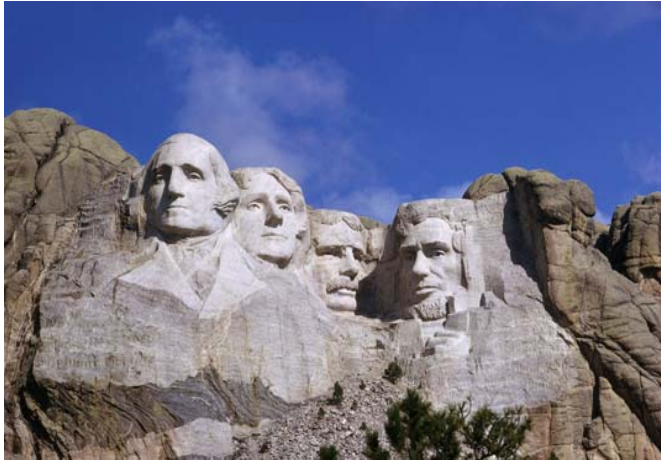
From the Copyright Act; Title 17 U.S.C. Section 102

The following do *not* qualify as Works of Authorship:

- Ideas
- Procedure
- Process
- System
- method of operation,
- Concept
- Principle
- Discovery

17 U.S.C. Section 101 et al

Expressions vs. Ideas



- Only ***EXPRESSIONS*** are copyrightable.
- ***IDEAS*** are *not* copyrightable.

Expressions

- Oil on Canvas

Dance Class

© Edgar Degas 1874



Expressions

- Choreography:
La Bayadère
© American Ballet Theatre 2007



Photo: Gene Schiavone

Expressions

The Big Lebowski

- Screenplay:
 - by Ethan Coen and Joel Coen
 - © 1996 Bitter Creek Productions, Inc.
- Motion Picture:
 - © 1998 PolyGram Filmed Entertainment, Inc.



IDEA

In the Case of *The Dude*, Donnie and Walter

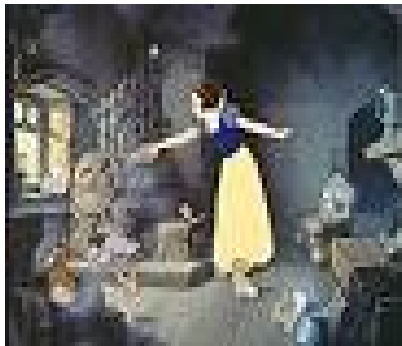


- Characters are ideas, therefore most characters are not copyrightable. However, screenplays are copyrightable.

The Expression Must Be *Fixed in a tangible form of medium*

Whistling while you work reflects an *idea*, which is not *fixed in a tangible form of medium*.

However, reducing the tune so that it's fixed in a tangible form of medium qualifies it as being copyrightable, i.e. sound-recording; sheet music, motion picture, etc..



Whistle While You Work

(the Music from the Motion Picture)

© 1937 Bourne Company

Rights extended through Copyright

Subject to [sections 107 through 122](#), the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

- (1) to reproduce the copyrighted work in copies or phonorecords;
- (2) to prepare derivative works based upon the copyrighted work;
- (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;
- (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
- (6) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

Protecting Your Copyright

The moment the work is fixed in a tangible form of medium, the © is protected.

However, registration extends protection.

Copyright Registration vs. Poor Man's Copyright

- Registration is required for a party to bring lawsuit for infringement .
- Advantages of Registration:
 - public record it's yours
 - certificate of registration
 - Eligibility for statutory damages and attorney's fees
 - If registered within 5 years of publication, it's considered *prima facie* evidence in a court of law that it belongs to the registered owner.
- The act of mailing a copy of the work to yourself does not extend registration to your work.
- It is a myth that a “Poor Man's Copyright” extends the same protection as registration.

Sample Copyright Form TX

Ashlye Keaton Hypothetical

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.



REGISTRATION NUMBER

TX TXU

EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK ▼
Copyrights and Trademarks

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION ▼ If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2 a NAME OF AUTHOR ▼
Ashlye M. Keaton, Esq.

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼
1978

Was this contribution to the work a "work made for hire"?
 Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
Citizen of ► United States
Domiciled in ►

OR

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymously? Yes No
Pseudonymously? Yes No

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

12 b NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
Citizen of ►
Domiciled in ►

OR

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymously? Yes No
Pseudonymously? Yes No

12 c NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
Citizen of ►
Domiciled in ►

OR

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymously? Yes No
Pseudonymously? Yes No

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
2007

3 b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Month ► May Day ► 23 Year ► 2007
United States

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Ashlye M. Keaton, Esq.
7735 Maple Street, New Orleans, LA 70118

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

MORE ON BACK ▼ Complete all applicable spaces (numbers 5-9) on the reverse side of this page. Sign the form at line 8.

DO NOT WRITE HERE
Page 1 of _____ pages

EXAMINED BY _____ FORM TX

CHECKED BY _____

CORRESPONDENCE
Yes

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?
 Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼

a. This is the first published edition of a work previously registered in unpublished form.
b. This is the first application submitted by this author as copyright claimant.
c. This is a changed version of the work, as shown by space 3 on this application.

If your answer is "Yes," give: Previous Registration Number ► Year of Registration ►

DERIVATIVE WORK OR COMPILATION
Pressing Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name / Address / Apt / City / State / Zip ▼

Ashlye M. Keaton, Esq.
7735 Maple Street
New Orleans, LA 70118

Area code and daytime telephone number ► 504-861-6404 Fax number ► 504-861-6405

Email ► keaton@edp.nocoxmail.com

CERTIFICATION* I, the undersigned, hereby certify that I am the
 author
 other copyright claimant
 owner of exclusive rights)
 authorized agent of
of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge. Name of author or other copyright claimant, or owner of exclusive rights) ▲

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date:
Ashlye M. Keaton, Esq. Date ► May 23, 2007

Handwritten signature ▼

Certificate will be mailed in window envelope to this address:

Name ▼ Ashlye M. Keaton, Esq.
Number/Streeting ▼ 7735 Maple Street
City/State/Zip ▼ New Orleans, LA 70118

YOU MUST:
 • Complete all necessary spaces
 • Sign your application in space 8
SEND ALL ELEMENTS IN THE SAME ENVELOPE:
 1. Application form
 2. Non-refundable filing fee in cash or money order payable to Register of Copyrights
 3. Deposit material
MAIL TO:
 Copyright Office
 101 Independence Avenue SE
 Washington, DC 20559-6322

*17 USC §506(a): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 405, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Form TX • Pub. Rev. 11-2006 • Price: 11-2006 — 30-000 Printed on recycled paper U.S. Government Printing Office: 2006-50-000-000

Author vs. Claimant

- Author and Claimant can be the same person/entity.
- Generally, Author creates the work; Claimant owns the work.
- Sometimes, the Claimant and Author are distinguished due to contracts, etc.
 - I.e. Assignment of Work by Author to Claimant

Author

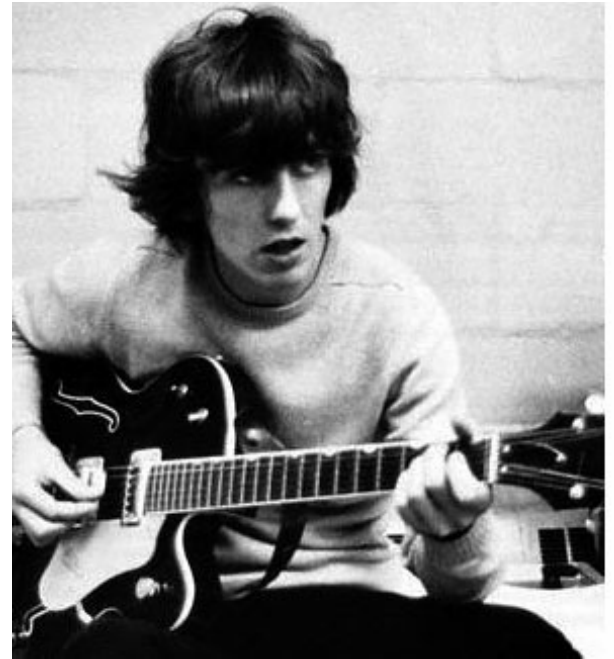
- John Lennon and Paul McCartney composed most Beatles songs;
 - I.e. the music and lyrics



Author

- Not to leave out George and Ringo...

...both of whom wrote some great songs that made their way onto some Beatles records.



Claimant:

- ABKCO claimed ownership in the copyright to most of the Beatles' work per the deal below...

ABKCO Industries Inc.,
1760 Broadway,
New York, N.Y. 10019.

Jan. 28, 1970

Gentlemen,

This letter, when executed by us, shall constitute this as a binding agreement between us.

We hereby retain you as our exclusive manager in the operation of all of our music publishing companies for the territory of the world.

You hereby agree to cause all mechanical and performing royalties to be collected on our behalf, to maintain all of our books and records, to cause our sheet music to be printed whenever such is possible, to issue any and all or cease to be issued any and all mechanical licenses, to issue any and all synchronization licenses, and to enforce our rights in the territories specified to the fullest extent possible.

You shall be entitled to have your representative manage our company and execute any and all documents in the ordinary course of business on behalf of us including the mechanical licenses, writers agreements, and sub-publishing agreements. However, it is specifically understood and agreed that you shall not be entitled to hypothecate, sell or in any way dilute or endanger the interests which we may have.

You shall maintain proper books and records for our company and shall retain such personnel as you may deem absolutely essential in the maintenance of such companies.

In consideration of the services to be rendered by you hereunder, we agree to pay you a commission equal to 20% of the gross earnings due to the territories specified above.

The commission which you are to receive, as stated above, shall specifically exempt us from the payment for any expenses, including, but not limited to, rent or salary for a professional manager and such other expenses as are customarily incurred by you in the ordinary course of business on our behalf by virtue of the rights hereunder granted to you; provided however that you shall be entitled to deduct the following specific expenses - overseas telephone calls and cables, specifically incurred on behalf of the undersigned, the cost of filings and paying tax returns, auditing and legal fees, when and if such are deemed necessary, costs of printing sheet music and/or folios; the costs of production and demonstration recordings; overseas postage, copyrights; direct advertising; and such other expenses as we may mutually agree upon.

Should we desire, you further agree to allow the books and records of your Company, in so far as they relate to your services rendered hereunder, to be audited by a Certified Public Accountant of our choice, but not more than once annually, during reasonable business hours and upon reasonable notice to you.

You shall have the right to assign this agreement to any wholly owned subsidiary of your Company.

This agreement shall remain in force for a period of three years from the 8th day of MAY 1969, subject to the right of either of us to terminate at the end of each year of the term of this agreement, upon three months written notice to the other.

Should the above be agreeable to you please sign under the words "Accepted and Agreed To".

Yours very truly,

Harrisons Ltd.
Singsong Ltd.
Harrisons Music Inc.
Apple Publishing Ltd.

George Harrison

Apple Music Inc.
Apple Music Publishing Co. Inc.
Python Music Publishing Co. Inc.

George Martin

Startling Music Ltd. }
Startling Music Inc. }
Python Music Ltd. }

Robert Taylor

Oao Music Inc. }
Oao Music Ltd. }

John Lennon

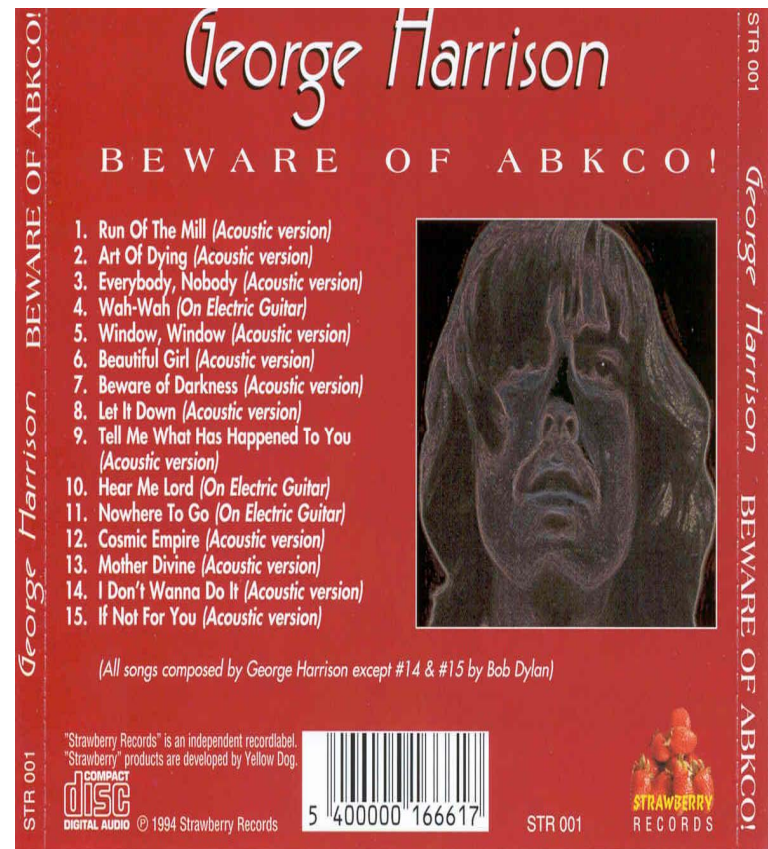
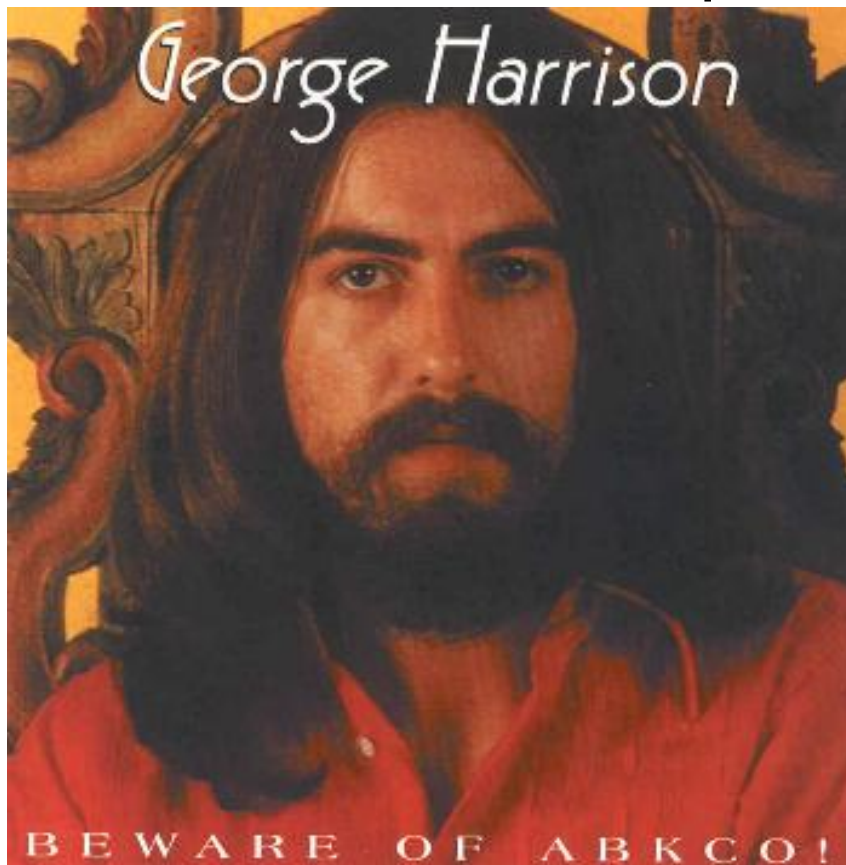
ACCEPTED AND AGREED TO:

ABKCO Industries Inc.

By *[Signature]*

...which many speculate as being a trigger in breaking up the Beatles...

...likely resulting in this copyrightable expression...



1. Run Of The Mill (Acoustic version)
2. Art Of Dying (Acoustic version)
3. Everybody, Nobody (Acoustic version)
4. Wah-Wah (On Electric Guitar)
5. Window, Window (Acoustic version)
6. Beautiful Girl (Acoustic version)
7. Beware of Darkness (Acoustic version)
8. Let It Down (Acoustic version)
9. Tell Me What Has Happened To You (Acoustic version)
10. Hear Me Lord (On Electric Guitar)
11. Nowhere To Go (On Electric Guitar)
12. Cosmic Empire (Acoustic version)
13. Mother Divine (Acoustic version)
14. I Don't Wanna Do It (Acoustic version)
15. If Not For You (Acoustic version)

(All songs composed by George Harrison except #14 & #15 by Bob Dylan)

"Strawberry Records" is an independent recordlabel.
"Strawberry" products are developed by Yellow Dog.

COMPACT
disc
DIGITAL AUDIO

© 1994 Strawberry Records



STR 001



STRAWBERRY
RECORDS

Work for Hire

- An employer can claim ownership of an employee's work if work produced through scope of employment.
- An independent contractor's work can also be considered a work for hire, though the work for hire has to be expressly agreed upon in writing.

In the Case of the *Rolling Stones*

Work for Hire © Illustration in Form SR:

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.

Form SR
For a Sound Recording
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

SR SRU
EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK ▼
Beggars Banquet/The Rolling Stones

PREVIOUS, ALTERNATIVE, OR CONTENTS TITLES (CIRCLE ONE) ▼

2 a NAME OF AUTHOR ▼ ABKCO Records

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR
 Citizen of
 Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? Yes No
Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼
sound recording

NOTE

Under the last the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire," check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "author" of that part, and leave the space for dates of birth and death blank.

b NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR
 Citizen of
 Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? Yes No
Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

c NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR
 Citizen of
 Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? Yes No
Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED 1986

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Month Nov. Day 1 Year 1986

This information must be given in all cases. Complete this information ONLY if this work has been published.

4 a COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼ ABKCO Records

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

MORE ON BACK ▶ Complete all applicable spaces (numbers 5-8) on the reverse side of this page. Sign the form at line 8.

DO NOT WRITE HERE
Page 1 of _____ pages

- Note that ABKCO is listed here as the author as well as the Claimant.
- Disclaimer: This is not the form as listed with the © Office; it is an illustration based on my own interpretation

Hypothetical: Ashlye Keaton signs Work for Hire for ACNO

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.

Form TX
For a Non-dramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

TX TXU

EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK ▼
Ashlye Keaton's Workshop Series

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2 a NAME OF AUTHOR ▼ Arts Council of New Orleans

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR
Citizen of ► United States
OR
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
If the answer to either of these questions is "yes," see detailed instructions.
Anonymous? Yes No
Pseudonym? Yes No

NOTE NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. Entire Text

b NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR
Citizen of ►
OR
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
If the answer to either of these questions is "yes," see detailed instructions.
Anonymous? Yes No
Pseudonym? Yes No

c NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

c NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR
Citizen of ►
OR
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
If the answer to either of these questions is "yes," see detailed instructions.
Anonymous? Yes No
Pseudonym? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
2007

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Month ► May Day ► 23 Year ► 2007
United States

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼
Arts Council of New Orleans
818 Howard Ave.; Ste. 300; New Orleans LA 70113

APPLICATION RECEIVED
ONE DEPOSIT RECEIVED
TWO DEPOSITS RECEIVED
FUNDS RECEIVED

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

MORE ON BACK ► Complete all applicable spaces (numbers 5-9) on the reverse side of this page. Sign the form at the 8.

DO NOT WRITE HERE
Page 1 of _____ pages

EXAMINED BY _____ FORM TX

CHECKED BY _____

CORRESPONDENCE
Yes

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?
 Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼

a. This is the first published edition of a work previously registered in unpublished form.
b. This is the first application submitted by this author as copyright claimant.
c. This is a changed version of the work, as shown by space 6 on this application.
If your answer is "Yes," give: Previous Registration Number ► Year of Registration ►

DERIVATIVE WORK OR COMPILATION Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account. Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name / Address / Apt / City / State / Zip ▼
Arts Council of New Orleans
818 Howard Avenue Suite 300
New Orleans, LA 70113

Area code and daytime telephone number ► 504-523-1465 Fax number ►
Email ►

CERTIFICATION I, the undersigned, hereby certify that I am the
 author
 other copyright claimant
 owner of exclusive right(s)
of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.
Name of author or other copyright claimant, or owner of exclusive right(s) ►

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.
Arts Council of New Orleans, By: Gene Meneray Date ► May 23, 2007

Handwritten signature ▼

YOU MUST

Certificate will be mailed in window envelope to this address:

Name ▼ Arts Council of New Orleans
Number/Street ▼ 818 Howard Ave.; Ste. 300
City/State/Zip ▼ New Orleans LA 70113

SEND ALL 3 ELEMENTS IN THE ENVELOPE PACKAGE

1. Application form
2. Non-refundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO:
COPYRIGHT OFFICE
101 Independence Avenue SE
Washington, DC 20540-4202

NOTE Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

See instructions before completing this space.

5

6

7

8

9

Registering more than one work on a single copyright application form

- **Registering works as a collection can save money on costs by listing more than one work on a single copyright application form.**
- **Examples:**
 - Records with more than one track (I.e. an entire album)
 - A collection of photographs
 - A series of literary works
 - A series of paintings
- **Advantage:**
 - Saves costs on registering each related work as an independent work.
- **Disadvantage:**
 - Right to statutory damages:
 - The work is treated as one registered work, as opposed to the number of works listed on the continuation Sheet.
 - If an infringer infringes upon more than one of the works listed in a collection, the claimant may only pursue statutory damages as if only one work has been infringed upon.

Sample Continuation Sheet

Applying Keaton/ACNO Hypothetical

Continuation Sheet for Application Forms

- This Continuation Sheet is used in conjunction with Forms CA, PA, SE, SR, TX, and VA only. Indicate which basic form you are continuing in the space in the upper right-hand corner.
- Try to fit the information called for into the spaces provided on the basic form.
- If you do not have enough space on the basic form, use this Continuation Sheet, and submit it with the basic form.
- If you submit this Continuation Sheet, clip (do not tape or staple) it to the basic form and fold the two together before submitting them.
- Space A of this sheet is intended to identify the basic application. Space B is a continuation of space 2 on the basic application. Space B is not applicable to Short Forms. Space C (on the reverse side of this sheet) is for the continuation of Spaces 1, 4, or 6 on the basic application or for the continuation of Space 1 on any of the three Short Forms PA, TX, or VA.

Form _____ / CON
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

PA	PAU	SE	SEG	SEU	SR	SRU	TX	TXU	VA	VAU
----	-----	----	-----	-----	----	-----	----	-----	----	-----

EFFECTIVE DATE OF REGISTRATION

(Month) (Day) (Year)

CONTINUATION SHEET RECEIVED

Page _____ of _____ pages

DO NOT WRITE ABOVE THIS LINE. FOR COPYRIGHT OFFICE USE ONLY

IDENTIFICATION OF CONTINUATION SHEET: This sheet is a continuation of the application for copyright registration on the basic form submitted for the following work:

• **TITLE:** Give the title as given under the heading "Title of this Work" in space 1 of the basic form.

Ashlye Keaton's Workshop Series

• **NAME(S) AND ADDRESS(ES) OF COPYRIGHT CLAIMANT(S):** Give the name and address of at least one copyright claimant as given in space 4 of the basic form or space 2 of any of the Short Forms PA, TX, or VA.

Arts Council of New Orleans: 818 Howard Avenue; Ste. 300; New Orleans, LA 70113

A
Identification of Application

NAME OF AUTHOR ▼	DATES OF BIRTH AND DEATH Year Born ▼ Year Died ▼
Was this contribution to the work a "work made for hire"?	AUTHOR'S NATIONALITY OR DOMICILE Name of Country
<input type="checkbox"/> Yes <input type="checkbox"/> No	OR <input type="checkbox"/> Citizen of ▶ <input type="checkbox"/> Domiciled in ▶
	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No Pseudonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No
If the answer to either of these questions is "Yes," see detailed instructions.	
NATURE OF AUTHORSHIP Briefly describe nature of the material created by the author in which copyright is claimed. ▼	

B
Continuation of Space 2

NAME OF AUTHOR ▼	DATES OF BIRTH AND DEATH Year Born ▼ Year Died ▼
Was this contribution to the work a "work made for hire"?	AUTHOR'S NATIONALITY OR DOMICILE Name of Country
<input type="checkbox"/> Yes <input type="checkbox"/> No	OR <input type="checkbox"/> Citizen of ▶ <input type="checkbox"/> Domiciled in ▶
	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No Pseudonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No
If the answer to either of these questions is "Yes," see detailed instructions.	
NATURE OF AUTHORSHIP Briefly describe nature of the material created by the author in which copyright is claimed. ▼	

e

f

NAME OF AUTHOR ▼	DATES OF BIRTH AND DEATH Year Born ▼ Year Died ▼
Was this contribution to the work a "work made for hire"?	AUTHOR'S NATIONALITY OR DOMICILE Name of Country
<input type="checkbox"/> Yes <input type="checkbox"/> No	OR <input type="checkbox"/> Citizen of ▶ <input type="checkbox"/> Domiciled in ▶
	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No Pseudonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No
If the answer to either of these questions is "Yes," see detailed instructions.	
NATURE OF AUTHORSHIP Briefly describe nature of the material created by the author in which copyright is claimed. ▼	

Use the reverse side of this sheet if you need more space for continuation of spaces 1, 4, or 6 of the basic form or for the continuation of Space 1 on any of the Short Forms PA, TX, or VA.

CONTINUATION OF (Check which): Space 1 Space 4 Space 6

1. Copyrights & Trademarks
2. Licensing
3. Copyright Royalties vs. Artist Royalties
4. Title etc.
5. Title etc.
6. You get the idea...

C
Continuation of other Spaces

Certificate will be mailed in window envelope to this address:

Name ▼
Arts Council of New Orleans
Number/Street/Apt ▼
818 Howard Avenue; Ste. 300
City/State/Zip ▼
New Orleans, LA 70113

YOU MUST:
• Complete all necessary spaces
• Sign your application

SEND ALL 3 ELEMENTS IN THE SAME PACKAGE:
1. Application form
2. Nonrefundable fee in check or money order payable to Registrar of Copyrights
3. Deposit Material

MAIL TO:
Library of Congress, Copyright Office
101 Independence Avenue SE
Washington, DC 20559-6000

D

Derivative Works

- A “derivative work” is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications, which, as a whole, represent an original work of authorship, is a “derivative work”.

Derivative Works continued

- Public Domain
 - Requires additional originality.
- Existing Copyright
 - Must have written permission from author to create.
 - Also requires additional originality.

Sample © Form for Derivative Work

Applying Keaton/ACNO Hypothetical

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.

Form TX
For a Non-dramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER _____

TX _____ TXU _____
EFFECTIVE DATE OF REGISTRATION

Month _____ Day _____ Year _____

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK ▼
Ashlye Keaton's Workshop Series Revisited

PREVIOUS OR ALTERNATIVE TITLES ▼
Ashlye Keaton's Workshop Series

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

NAME OF AUTHOR ▼

Arts Council of New Orleans

Was this contribution to the work "work made for hire"?
 No
 Yes

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
Citizen of ► United States
OR
Domiciled in ►

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK If the answer to either of these questions is "Yes," see detailed instructions.
Anonymous? Yes No
Pseudonymous? Yes No

NOTE

Under the law, the "author" of a "work made for hire" is, generally, the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Entire Text Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

Arts Council of New Orleans

Was this contribution to the work "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
Citizen of ►
OR
Domiciled in ►

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK If the answer to either of these questions is "Yes," see detailed instructions.
Anonymous? Yes No
Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

Arts Council of New Orleans

Was this contribution to the work "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
Citizen of ►
OR
Domiciled in ►

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK If the answer to either of these questions is "Yes," see detailed instructions.
Anonymous? Yes No
Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

Arts Council of New Orleans

Arts Council of New Orleans

818 Howard Ave., Ste. 300, New Orleans LA 70113

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED This information must be given year in all cases. 2007

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK Complete this information ONLY if this work has been published. Month ▼ Day ▼ Year ▼
May 23 2007

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Arts Council of New Orleans

818 Howard Ave., Ste. 300, New Orleans LA 70113

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ▶

Complete all applicable spaces (numbers 5-9) on the reverse side of this page. See detailed instructions. Sign the form at line 8.

DO NOT WRITE HERE
Page 1 of _____ pages

EXAMINED BY _____ FORM TX

CHECKED BY _____

CORRESPONDENCE
 Yes

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

- Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼
- a. This is the first published edition of a work previously registered in unpublished form.
- b. This is the first application submitted by this author as copyright claimant.
- c. This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ► Year of Registration ►

DERIVATIVE WORK OR COMPILATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Ashlye Keaton's Workshop Series

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

Pages 82-97

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account. Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/Zip ▼

Arts Council of New Orleans
818 Howard Avenue Suite 300
New Orleans, LA 70113

Area code and daytime telephone number ► 504-523-1465

Fax number ►

CERTIFICATION I, the undersigned, hereby certify that I am the

- Check only one author
 other copyright claimant
 owner of exclusive right(s)
 authorized agent of _____

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge. Name of author or other copyright claimant, or owner of exclusive right(s) ▼

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Arts Council of New Orleans, By: Gene Meneray

Date ▼ May 23, 2007

Handwritten signature ▼

Certificate will be mailed in window envelope to this address:

Name ▼ Arts Council of New Orleans
Number/Street/Apt ▼ 818 Howard Ave., Ste. 300
City/State/Zip ▼ New Orleans LA 70113

- YOU MUST:**
- Complete all necessary spaces
 - Sign your application in space 8
- DO NOT MAIL TO THESE ADDRESSES IN THE SAME PACKAGE:**
- Application form
 - Nonrefundable filing fee in check or money order payable to Registrar of Copyrights
 - Deposit material
- MAIL TO:**
- Literary Activities
Copyright Office
101 Independence Avenue SE
Washington, DC 20558-6022

*17 USC §506(b). Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,000.

Form TX - Full Size - 11/2006 Price 11/2006 - \$0.000 Printed on recycled paper

U.S. Government Printing Office: 2006-0-568/0-2

TrademarksTM and Service MarksSM

A **trademark** is a word, phrase, symbol and/or design, or a combination thereof, which identifies and distinguishes the source of goods.

A **service mark** is the same as a trademark, except that it applies to services.

® = Registered Trademark or Service Mark

Trademarks identify source of goods/services.



- The Coca Cola logo provides notice to the public that they're consuming a product manufactured by the Coca Cola Company.

Block Letters vs. Logo

STAR WARS

Word Mark

Goods and
Services
Standard

Characters
Mark
Claimed
Drawing

Code

STAR WARS

IC 028. US 022 023 038 050. G & S: Kites. FIRST
USE: 19850107. FIRST USE IN COMMERCE:
19850107

(4) STANDARD CHARACTER MARK



Duration of Trademark

- From first use in commerce until no longer being used in commerce
- There are various renewal requirements for registered Marks, whether federal or State registration.

Registering your Mark

- United States Patent and Trademark Office (USPTO)
- Louisiana Secretary of State
 - Through its commercial division:
- Other State commercial divisions

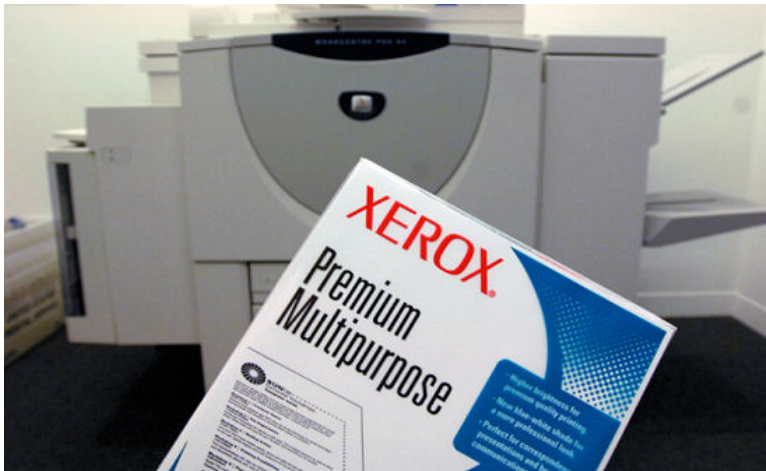
Basic Registration Requirements

- Federal
 - Use in interstate commerce
 - Fanciful or arbitrary
 - Not merely descriptive or generic
- Louisiana Secretary of State
 - Use in State commerce

*Kleenex*TM and *Xerox*TM Classic Cases of **GENERICIDE!**



- Consumers often substitute the term “tissue” for the term Kleenex.



- Consumers often use Xerox as a verb to describe copying.

™ Federal vs. State Registration

State

- Costs:
 - \$50 per class
- Time Frame:
 - A couple of weeks
- Protection:
 - Limits presumption of ownership Statewide

Federal

- Costs:
 - \$325 per class
- Time Frame:
 - Several months if not longer
- Protection:
 - Extends presumption of ownership nationwide

Advantages of Federal Registration

- Constructive notice to the public
- Presumption of ownership of the mark
- Presumption of rights to use the mark nationwide
- Provides standing to bring action in federal court;
- Ability to register with the International Bureau
 - International Mark

What if more than one source uses same Mark?

Remember: The whole idea of a Mark is to alert the consumer as to the source of goods/services.

Generally:

- First to use Mark in commerce prevails
- If the same Mark is being used in different Classes, then it's possible to register both Marks.
 - So long as no consumer confusion as to source of goods/services

Same Mark, Different Source? Different Classes



ACE
Hardware

The logo for ACE Hardware, featuring the word "ACE" in large, bold, red, block letters with a registered trademark symbol, and the word "Hardware" in a smaller, red, italicized font below it.

– Ace Hardware



– Ace Bandages

Some Trademarks are also Copyrights.

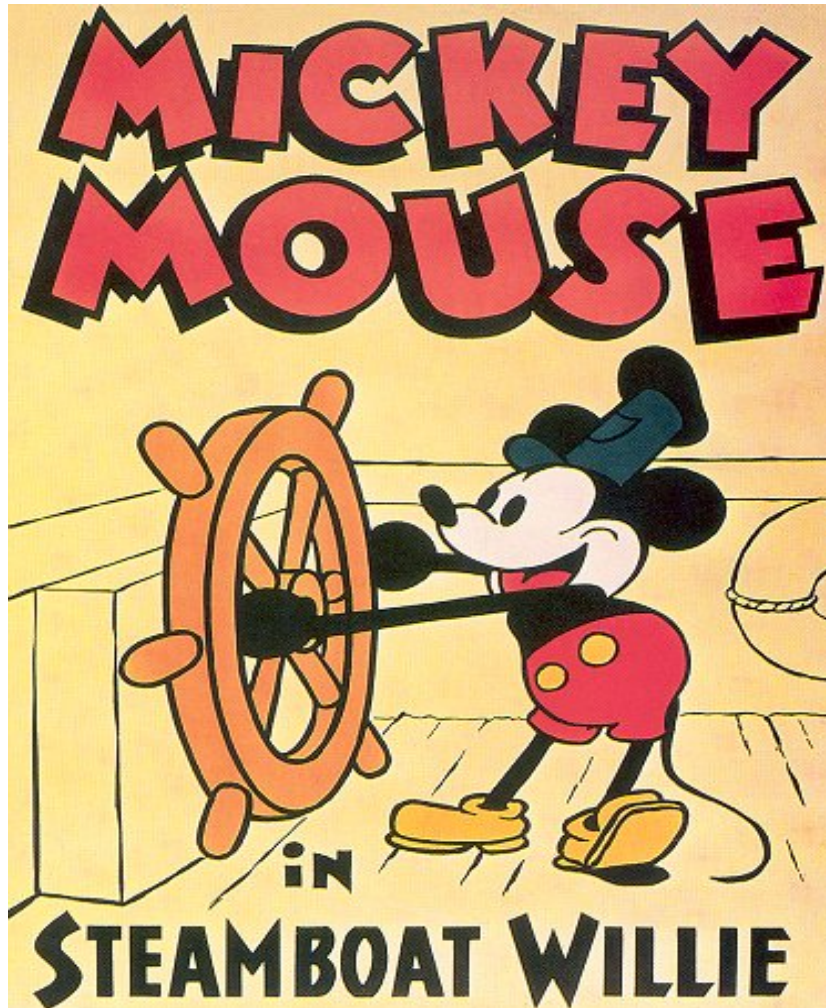


- Registered Trademark ®



- Copyright ©

Mickey Mouse as a Copyright ©



– from the film *Fantasia*

Mickey Mouse as a Trademark for the Walt Disney Company



Mickey Mouse as a Trademark for Luggage



- Luggage featuring the Mickey Mouse “Mouse Ears” logo
- Source of luggage = Walt Disney Company

Mickey Mouse as a Copyright and Trademark at the SAME TIME!



- Trademark in upper left corner on each product
- Copyright in the actual underlying work, Mickey Mouse (as well as Goofy)



Darth Vader as a Copyright



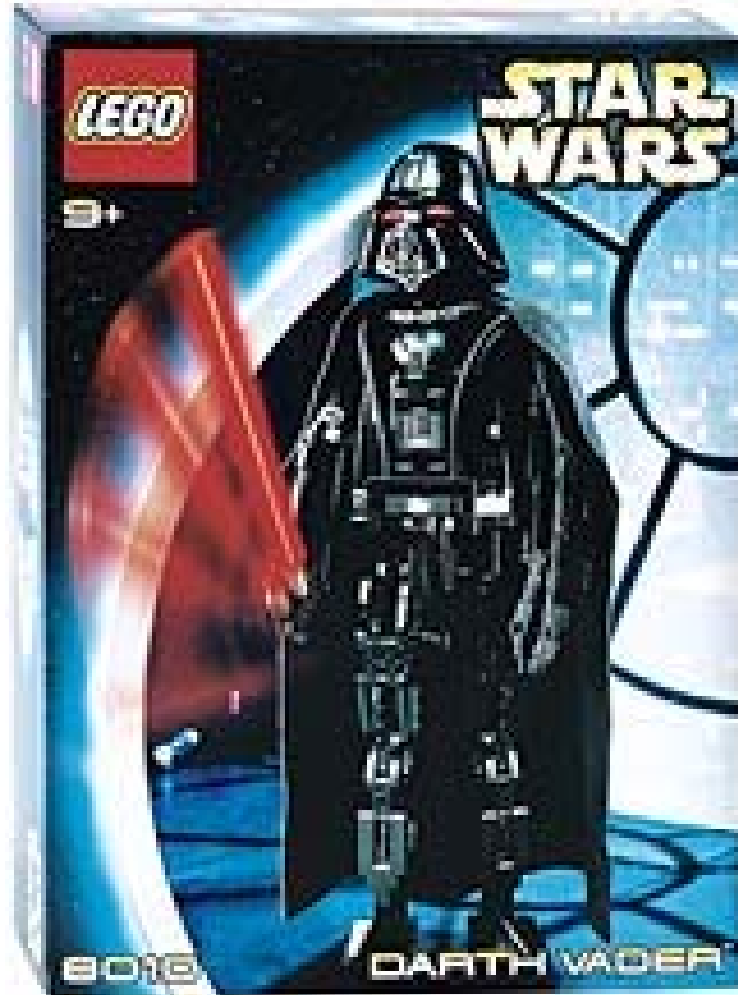
poster



action figure

Darth Vader as a Trademark

- **Typed Drawing**
 - Word Mark
 - DARTH VADER
- **Goods and Services**
 - IC 028. US 022 023 038 050.
 - G & S: toy figures.



CONCLUSION

- Copyrights and Trademarks/Service Marks are types of Intellectual Property that are protected by domestic legislation.
- The owner of a Copyright or Mark has certain rights.
- Copyrights and Trademarks may be registered, resulting in extended protection to those Rights.