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U.S. Copyright Office update

By Jason Kunze and Jason Kravitz

Interim changes to Copyright Office policies

The U.S. Copyright Office has released guidance explaining interim policy changes in response to the COVID-19 pandemic. All Library of Congress buildings, including the U.S. Copyright Office, are closed to the public until at least April 1, 2020. During normal operations, the Office routinely processes paper (mailed) applications and examines physical deposits, but due to minimal onsite staffing those processes will be delayed. However, the Office is leveraging telework arrangements to allow for processing of online registrations, and encouraging applicants to use the electronic application process. The electronic application process is both more efficient and less expensive (more on that below).

The Office has promised to examine rush applications within five business days, provided that the application and the associated deposit are submitted electronically. This rush process incurs a substantial “special handling” fee and is typically used when a registration is needed quickly for litigation. (A copyright action cannot be filed without the registration in hand; [see our prior alert discussing the Supreme Court’s *Fourth Estate* ruling](#)). For situations where a physical deposit is required, as a temporary workaround to allow for special handling examination, the applicant is permitted to do the following:

1. send the physical deposit to the Office,
2. submit an electronic deposit of the work, and
3. provide a statement certifying that the electronic deposit is identical in content to the physical deposit.

When these three conditions are met for rush applications, they will be examined within five business days by examiners working remotely.

The Office is also now providing email updates, instead of its typical mailed letters, for refusal decisions and responses to requests for reconsideration.

As the response to COVID-19 is fluid and likely to change further, the Office is providing updates on its website at <https://www.copyright.gov/>; see “Latest News” and “Coronavirus Updates.”

Updates to Copyright Office fees

The Copyright Office also announced updates to its fee structure, effective as of Friday, March 20. The cost to electronically file a standard registration increases \$10 to \$65, and a basic work increases from \$35 to \$45. A paper filing jumps by \$40 to \$125, showing that the Copyright Office is trying to encourage electronic filing when possible. The full schedule of fee changes can be found at <https://www.copyright.gov/about/2020-fees.pdf>. Unlike the policy changes discussed above, these fee increases are permanent.

For more information on the content of this alert, please contact our [Coronavirus Response team](#), your Nixon Peabody attorney, or:

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