

17 USCS § 411

LEXSTAT 17 U.S.C. 411

UNITED STATES CODE SERVICE
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*** CURRENT THROUGH PL 111-193, WITH A GAP OF PL 111-192, APPROVED 6/28/2010 ***

TITLE 17. COPYRIGHTS
CHAPTER 4. COPYRIGHT NOTICE, DEPOSIT, AND REGISTRATION

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Review expert commentary from The National Institute for Trial Advocacy preceding 17 USCS § 101.
Review expert commentary from The National Institute for Trial Advocacy preceding 17 USCS § 401.

§ 411. Registration and civil infringement actions

(a) Except for an action brought for a violation of the rights of the author under section 106A(a) [*17 USCS § 106A(a)*], and subject to the provisions of subsection (b), no civil action for infringement of the copyright in any United States work shall be instituted until preregistration or registration of the copyright claim has been made in accordance with this title. In any case, however, where the deposit, application, and fee required for registration have been delivered to the Copyright Office in proper form and registration has been refused, the applicant is entitled to institute a civil action for infringement if notice thereof, with a copy of the complaint, is served on the Register of Copyrights. The Register may, at his or her option, become a party to the action with respect to the issue of registrability of the copyright claim by entering an appearance within sixty days after such service, but the Register's failure to become a party shall not deprive the court of jurisdiction to determine that issue.

(b) (1) A certificate of registration satisfies the requirements of this section and section 412 [*17 USCS § 412*], regardless of whether the certificate contains any inaccurate information, unless--

(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

(B) the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration.

(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

(3) Nothing in this subsection shall affect any rights, obligations, or requirements of a person related to information contained in a registration certificate, except for the institution of and remedies in infringement actions under this section and section 412 [*17 USCS § 412*].

(c) In the case of a work consisting of sounds, images, or both, the first fixation of which is made simultaneously with its transmission, the copyright owner may, either before or after such fixation takes place, institute an action for infringement under section 501 [*17 USCS § 501*], fully subject to the remedies provided by sections 502 through 505 [*17 USCS §§ 502 through 505*] and *section 510* [*17 USCS § 510*], if, in accordance with requirements that the Register of Copyrights shall prescribe by regulation, the copyright owner--

(1) serves notice upon the infringer, not less than 48 hours before such fixation, identifying the work and the specific time and source of its first transmission, and declaring an intention to secure copyright in the work; and

(2) makes registration for the work, if required by subsection (a), within three months after its first transmission.