

# Special Handling

You can request that your copyright application or recordation request be processed on an expedited basis if you are addressing

- Pending or prospective litigation
- Customs matters
- Contract or publishing deadlines

The Office approves expedited service, or special handling, only in these circumstances and only if there is a compelling reason for the service.

Special handling is a procedure for expediting the examination of an application to register a claim to copyright or the recordation of a document pertaining to copyright. This circular describes the Office's practices and procedures for special handling. For more information, see **chapter 600**, section 623, of the *Compendium of U.S. Copyright Office Practices*.<sup>1</sup>

The Copyright Office grants special handling only in certain circumstances when copyright owners or other parties have a compelling reason for the service. Special handling may be granted only in relation to

- 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 for reconsideration of a refusal to register a work.

Due to the resources required to accommodate a special handling request, special handling incurs a unique fee above and beyond the standard fees for Office services. See below for additional information regarding the fee for special handling.

**NOTE:** The Copyright Office also offers expedited services for searching its public records or providing copies of certain records within its possession, provided that certain requirements have been met. For more information on these expedited services, see **chapter 2400**, section 2411 of the *Compendium*.

## Processing Time

Once a request for special handling is approved, the Office will make every effort to complete its examination of the claim or document within five working days, although it cannot guarantee that every claim or document will be registered or recorded within this time frame.

The Office will issue a certificate of registration or a certificate of recordation if it determines that the legal and formal requirements for registration or recordation have been met. If the Office determines that these requirements have not been met, it will refuse to register the work or record the document and notify you of its decision in writing. If questions or issues arise that prevent the Office from registering the work or recording the document, staff will generally notify you within five working days after the request for special handling has been granted.

Note that the online public record for a particular registration or a recordation may not be immediately available in the Office's database when the Office issues a certificate on an expedited basis.

## Fee

To expedite the examination of a claim or document, you must pay a special handling fee in addition to the fee for filing an application to register a work or for recording a document. The special handling fee is \$800 for registration and \$550 for recordation. These fees are subject to change. For current fees, see *Copyright Office Fees* (**Circular 4**) or call (202) 707-3000 or 1-877-476-0778 (toll free).

Special handling fees are nonrefundable. Once a request for special handling has been granted, the Office will not refund the fee, regardless of whether the Office issues a certificate of registration or a certificate of recordation, and regardless of whether the Office is able to examine the application or document within five business days.

If you request special handling through the Copyright Office's electronic registration system, you can pay the fee by credit card, debit card, electronic check, or a Copyright Office deposit account. If you submit the request by mail or by private courier, you can pay by deposit account or check or money order made payable to the *U.S. Copyright Office*. Currency is accepted only for requests for special handling made in person at the Copyright Office's Public Information Office.

All checks or money orders must be redeemable without a service or exchange fee through a U.S. institution, payable in U.S. dollars, and imprinted with American Banking Association routing numbers. Postal money orders and international money orders that are negotiable only at a post office are not acceptable. If your check is returned for insufficient funds or if your payment is invalidated for any other reason, the registration or recordation will be canceled.

For more information about deposit accounts, see *How to Open and Maintain a Copyright Office Deposit Account* (**Circular 5**). Deposit accounts must contain sufficient funds. If you submit a replenishment check together with your request for special handling, the Office will not process your request until the funds have been posted to your deposit account.

## Preparing a Request

You can request special handling when you submit the claim or the document to the Copyright Office or at any time before the Office issues a certificate of registration or a certificate of recordation. When completing an online application for registration, you will need to complete the "Special Handling" screen. In all other cases, you will need to either complete the special handling form

available on the Office’s website or prepare a letter clearly labeled “Special Handling” explaining the compelling reasons for your request. Certain elements, described below, must accompany your request. For more information, see [chapter 600](#), section 623.5, of the *Compendium*.

### **Registration**

When requesting special handling for a copyright registration, your request must be accompanied by

- An online application or an appropriate paper application
- The required deposit copies, phonorecords, or identifying material
- The nonrefundable filing fee
- The nonrefundable special handling fee
- Any additional fees (if applicable)

### **Recordation**

When requesting special handling for a document recordation, your request must be accompanied by

- The document to be recorded
- The nonrefundable recordation fee
- The nonrefundable special handling fee

### **Litigation**

If you are requesting special handling of a registration or recordation for litigation, your request should also state

- Whether the litigation is actual or prospective,
- Whether you or your client are the plaintiff or the defendant, and
- The names of the parties and the name of the court where the litigation is pending or expected.

You also must include a signed statement certifying that the information contained in the request is correct to the best of your knowledge.

## **Submitting Your Request**

You can request special handling for a copyright registration online, in person, by courier, or by mail. You can request special handling for a document recordation in person, by courier, or by mail. To submit requests for a pending copyright application or document recordation, see the instructions below.

### **Online Requests**

When you submit an online application through the electronic registration system, you can request special handling by entering the required information on the “Special Handling” screen.

### ***In-Person Requests***

To request special handling in person, bring your letter requesting special handling and all accompanying material to the Public Information Office of the Copyright Office. The Public Information Office is located in Room LM-401 of the James Madison Memorial Building of the Library of Congress at 101 Independence Avenue SE, Washington, DC. It is open between the hours of 8:30 am to 5:00 pm, Eastern Time, Monday through Friday, except federal holidays.

**NOTE:** Do not mail special handling correspondence to the Public Information Office address. Use the address listed below under “Requests by Mail.”

### ***Requests by Courier***

To request special handling by private courier, instruct the courier to deliver your letter requesting special handling and all accompanying material to the Congressional Courier Acceptance Site, which is located at 2nd and D Streets NE, Washington, DC. It is open from Monday through Friday between the hours of 8:30 am to 5:00 pm Eastern time. Items left at the Congressional Courier Acceptance Site are generally delivered to the Copyright Office the next morning.

**NOTE:** Packages left at the Congressional Courier Acceptance Site must be no larger than 12" by 18" by 4". Larger packages must be delivered to the Copyright Office by hand or by mail.

### ***Request by Mail***

To request special handling by mail, mail your letter requesting special handling with all accompanying material to the Copyright Office’s Receipt Analysis and Control Division. Address your letter to

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

**NOTE:** This is a U.S. Postal Service mailbox. Items mailed to this address should be sent by way of the U.S. Postal Service rather than by private courier. Request registered or certified mail service if you wish to track delivery.

Packages sent to this address must not exceed 12" by 18" by 4". You can deliver larger packages to the Copyright Office’s Public Information Office by hand or mail them to the following address:

Special Handling  
Department 100  
Washington, DC 20540

### **Requests for Pending Claims or Documents**

To request special handling for a claim or a document you previously submitted to the Copyright Office, either complete the special handling form available on the Office’s website or prepare a letter explaining the compelling reason you need this service and include the details specified below. Send your request to the Office with the nonrefundable special handling fee and, if possible, a photocopy of your application or document. You can submit your request and accompanying

material to the Copyright Office in person to the Public Information Office, by courier, or by mail as described above.

When you request special handling for a pending application, you should include

- The service request number/case number for the work, if known;
- The exact title of the work as it appears in the application;
- The name(s) of the author(s) and claimant(s) named in the application;
- A description of the deposit copy(ies), phonorecord(s), or identifying material that were submitted to the Copyright Office;
- The date that the application and the deposit copy(ies), phonorecord(s), or identifying material that were submitted to the Copyright Office; and
- The means used to submit the application (e.g., online, in person, by mail).

When you request special handling for a pending recordation request, you should include

- The title of the first work listed in the document;
- The date the document was submitted to the Copyright Office;
- The means used to submit the document to the Copyright Office (e.g., in person, by mail);
- The amount of the recordation fee that was submitted with the document and the type of payment (e.g., check, credit card, deposit account); and
- The name of the person or entity that paid the recordation fee.

Before you submit your request for special handling, contact the Copyright Office's Receipt Analysis and Control Division at (202) 707-7700 or [outpro@copyright.gov](mailto:outpro@copyright.gov) to determine whether the application or document specified in your request can be located. If the application or document cannot be found immediately, you may need to pay an additional search fee to locate the required materials.

## **Effective Date of Registration**

When the Copyright Office registers a work, it assigns an effective date of registration to the certificate of registration. The effective date of registration is the day that the Office receives in proper form all required elements — an acceptable application, an acceptable deposit, and a nonrefundable filing fee. The date is not set until all the required elements are in the Office's possession. If the Office receives incomplete materials, an unacceptable deposit, or an insufficient fee, the effective date of registration will be set on the date that the Office receives all the required materials in acceptable form. The date is not based on how long it takes the Office to examine the materials or mail the certificate.

You do not have to receive your certificate of registration before you publish or produce your work. Nor do you need permission from the Copyright Office to place a copyright notice on your work. The Copyright Office, however, must approve or refuse your application before you can file a lawsuit for copyright infringement, except in the case of foreign works. You may seek statutory damages and attorneys' fees in an infringement action provided that the infringement began after the effective date of registration. The law, however, provides a grace period of three months *after* pub-

lication during which full remedies can be recovered for any infringement begun during the three months after publication if registration is made before this period ends.

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**NOTE**

1. This circular is intended as an overview of special handling procedures in the Copyright Office. The authoritative source for U.S. copyright law is the Copyright Act, codified in Title 17 of the *United States Code*. Copyright Office regulations are codified in Title 37 of the *Code of Federal Regulations*. Copyright Office practices and procedures are summarized in the third edition of the *Compendium of U.S. Copyright Office Practices*, cited as the *Compendium*. The copyright law, regulations, and the *Compendium* are available on the Copyright Office website at [www.copyright.gov](http://www.copyright.gov).

## **For Further Information**

### ***By Internet***

The copyright law, the *Compendium*, electronic registration, application forms, regulations, and related materials are available on the Copyright Office website at [www.copyright.gov](http://www.copyright.gov).

### ***By Email***

To send an email inquiry, click the *Contact Us* link on the Copyright Office website.

### ***By Telephone***

For general information, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 am to 5:00 pm, eastern time, Monday through Friday, except federal holidays. To request application forms or circulars by postal mail, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

### ***By Regular Mail***

Write to

Library of Congress  
U.S. Copyright Office  
Publications Section  
101 Independence Avenue, SE #6304  
Washington, DC 20559-6304

