**9.4: Copyright – Validity – Effect of Registration**

For original works created after 1977, the work is automatically copyrighted at the moment of creation – even if the work is never registered with the United States Copyright Office. But generally, no suit for copyright infringement can be brought if the copyright hasn’t been registered.

A certificate of registration made within five years after the first publication of the claimed work is evidence of the copyright’s validity and the facts stated in the certificate. Specifically, the copyright registration creates a rebuttable presumption of validity. This means that the presumption shifts [name of plaintiff]’s burden of proving validity to [name of defendant] to prove that the claimed copyright is invalid.

**Special Interrogatories to the Jury**

**Do you find from a preponderance of the evidence:**

That [name of plaintiff] registered the claimed work with the United States Copyright Office?

Answer Yes or No \_\_\_\_\_\_\_\_\_\_\_\_\_

If your answer to this question is “Yes,” answer the next question.

If so, when do you find that the registration occurred?

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_