3. Search for any article or advertisement related to the issue that was published in a newspaper or magazine.
4. Obtain civil, criminal, and family background on the business or its owners.
5. Document the intellectual property of the business or owner.
6. Investigate the history of the registration and license for filing in court.
7. Check conversations with neighboring businesses or residents.
8. Document pending changes that are noted during the investigation.
10. Keep an updated record of changes in promotional programs to present as evidence in court.
11. Monitor changes after the proceedings in court.

Copyright

According to the USPTO, “Copyright is a form of protection provided to the authors of ‘original works of authorship’ including literary, dramatic, musical, artistic, and certain other intellectual works, both published and unpublished.” The 1976 Copyright Act empowers the owner of a copyright to reproduce and distribute the copyrighted work as well as derivatives of the work. It also gives the owner of the copyright the right to showcase the copyrighted work in public, sell it, and give rights related to it to others. The owner is also allowed to transfer the copyrighted work to a publication house and charge royalties.

A copyright notice for visually perceptible copies should have the word “Copyright” followed by the symbol ©, the published date, and the name of the owner. Works published before March 1989 require a valid copyright notice in order to be protected under the laws governing copyright. Works published after March 1, 1989, do not need to have a written copyright notice to be protected by copyright law, but it is still advisable.

Investigating Copyright Status

The following are the three basic ways by which an investigator can investigate the copyright status of a particular work:

1. Examine the copy of the work to find elements that need to be included in the copyright notice. Because works published after March 1, 1989, do not need to have a copyright notice along with the copyrighted work, the investigator has to do extensive research by using tools such as search engines to check the status of the copyrighted work.
2. Search the database of the U.S. Copyright Office (http://www.copyright.gov/records). This search method is recommended for users who search the database only occasionally. For an advanced search, the investigator should use the Library of Congress Information System (LOCIS). The LOCIS usage guide should be read before connecting to LOCIS.
3. Approach the U.S. Copyright Office to do a search for the requested category. After the request is made for a copyright search, the U.S. copyright officials will search the records for a fee of $75 per hour. A typewritten or oral report will be sent at the investigator’s request.

The status changes made under the Copyright Act of 1976, the Berne Convention Implementation Act of 1988, the Copyright Renewal Act of 1992, and the Sonny Bono Copyright Term Extension Act of 1998 must be considered. It is important that the investigator has a clear understanding of these laws.

Tool: LOCIS

The Library of Congress Information System (LOCIS) is an online utility that helps an investigator search for copyright records. LOCIS runs on a command prompt. There is a link on the Library of Congress’s Web page to connect to LOCIS. Figure 9-1 shows a screenshot from LOCIS. An investigator should follow the on-screen instructions to search the LOCIS database. Typing help at the command prompt shows the help screen at any point during the session. Information related to copyright and federal legislation can be obtained from the database.

How Long Does a Copyright Last?

The duration of a copyright is different for joint works, anonymous works, works under pseudonyms, and works-for-hire. In general, copyrights for works that are published after 1977 are valid for the life span of the author plus another 70 years. Works published before 1923 in the United States are in the public domain. Copyrights for works published between 1923 and 1977 have a validity of 95 years from the date of first publication.