

## U.S. Copyright Office Proposes Rule for Group Registration of Published Two-Dimensional Artwork

On February 15, 2024, the United States Copyright Office published a [notice of proposed rulemaking](#), proposing to create a new group registration option for published two-dimensional artwork. Currently, the Copyright Office permits group registration of up to ten unpublished two-dimensional artworks, and it also permits the registration of individual published two-dimensional artworks. The proposed rule, which the Copyright Office calls “GR2D,” would allow applicants to register up to ten two-dimensional published pictorial or graphic works that were created by the same author in a single application, as long as those works were “published within a thirty-day time period” of one another. 89 Fed. Reg. 11789, 11794 (Feb. 15, 2024). This proposed rule has the potential to benefit graphic artists, designers, illustrators, and other creators that publish numerous graphic works in short succession, though many artists who require more time to create multiple works, including fine artists, may find that the thirty-day window for group publication is too narrow. Public comments on the proposed rule are due to the Copyright Office by April 1, 2024.

The Copyright Office writes that the proposed rule is “intended to benefit individual creators and small businesses” that may find the current processes for registering published works unduly burdensome or expensive. Currently, to register a published two-dimensional artwork with the Copyright Office, artists generally must submit a separate application and pay a \$45 or \$65 filing fee for each work. See 37 C.F.R. § 201.3(c)(1)(i)(A)–(B). Thus, for an artist to register ten published works now requires completion and submission of ten separate applications, and payment of up to \$650. This can be incredibly time-consuming, burdensome, and expensive for many artists. To that end, GR2D would permit applicants to register up to ten works in a single application and pay a single filing fee of \$85 for that application, significantly less than the \$650 currently required to register ten published two-dimensional graphical works.

To qualify for a copyright application under the proposed GR2D rule, each work included in the application must:

- Be a single pictorial or graphic work that has been fixed in a two-dimensional form;
- Consist of no more than a single pictorial or graphic work, such as one drawing, one illustration, one comic strip, or one fabric design;
- Include a title and date of publication for each work;
- Have been created by the same author, and the author must be the copyright claimant for each work in the group; and
- Have been first published, in physical or electronic form, within the same thirty-day period as all other works in the group.

89 Fed. Reg. at 11797–98. The proposed rule specifies that the kinds of pictorial or graphic works covered by GR2D include paintings, illustrations, sketches, collages, cartoons, character artwork, logos, commercial art, textile designs, and representational or abstract artwork. *Id.* at 11791. However, the proposed rule explicitly excludes three-dimensional pictorial, graphic, or sculptural works; architectural works or technical drawings, even if produced in a two-dimensional graphic format; works of applied art, such as “the design of a useful article or a work of artistic craftsmanship”; and works created by different authors or two or more joint authors, though works may be registered as works made for hire. *Id.*

The Copyright Office writes in the proposed rule that works comprised of multiple pictorial or graphic works—such as catalogs, coloring books, children’s picture books, comic books, calendars, or style guides—do not qualify as a single work under GR2D. Instead, each pictorial or graphic work within the larger work (for example, each comic strip within the comic book, or each artwork included in a catalogue) qualifies as a single work under GR2D. *Id.*

The proposed rule further explains that the requirement that all ten works be published within thirty days of one another is primarily a practical requirement that streamlines the application process, makes applications easier for review, and is compatible with the Copyright Office’s current electronic registration system. See 89 Fed. Reg. at 11794. Although many artists may find that they rarely publish numerous pieces of artwork within a thirty-day period as would be required for group registration under GR2D, the proposed rule is still likely to benefit graphic artists and designers, and may still be useful to artists that publish numerous works in short succession, as in connection with the publication of an exhibition of new work.

Finally, fine artists and other creators are reminded that they may already take advantage of federal regulations that permit the group registration of up to ten unpublished two-dimensional works and of up to 750 photographs. 37 C.F.R. § 202.4(c), (h), (i). Registration of artwork with the Copyright Office, although not necessary to own copyright rights, is required to file a copyright lawsuit and provides significant benefits, including, in some cases, the right to obtain statutory damages for infringements.

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