



LEGAL Q&A

Q How Do I Register My Application Programming Interface (API) With the Copyright Office?

A The Federal Circuit Court of Appeals' decision in Oracle v. Google has been touted as a decision that application programming interfaces are copyrightable. As a result, companies are beginning to consider registering the copyright in their APIs. Although the recent decision confirms the copyrightability of APIs, the Copyright Office has been registering APIs since as early as 1992 (although there are only 13 registered works entitled "application programming interface"). According to the Copyright Office Circular 61 (Copyright Registration for Computer Programs):

A "computer program" is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result. Since APIs are a set of statements which are used (at least indirectly) in a computer in order to bring about a certain result (i.e., an invocation or call to a particular function in an independent application, operating system or other computer program), it would appear that APIs should be registrable as computer programs.



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