

# Blockchain Timestamping and Creative Work Protection

Federal copyright law, state-level blockchain legislation and evidentiary framework

March 2026

## What is blockchain timestamping?

This guide presents the legal framework applicable in the United States to blockchain timestamping as proof of prior existence. The US context is unique: copyright law is federal and includes a registration requirement that limits the role of timestamping in some scenarios — while leaving it highly relevant in others.

Blockchain timestamping creates permanent, tamper-proof evidence that a document existed at a specific point in time. It does not grant intellectual property rights — but it proves prior existence with mathematical certainty.

### How it works (simplified)

- 1. Digital fingerprint:** Your file is converted into a unique 64-character code (SHA-256 hash) — mathematically unique to that exact file.
- 2. Permanent record:** That fingerprint is inscribed on Ethereum, a public ledger maintained by thousands of computers worldwide. Once recorded, it cannot be altered or deleted.
- 3. Timestamp:** The blockchain automatically records the exact date and time — publicly verifiable by anyone, at any time, for free.
- 4. Your certificate:** You receive a ZIP containing the PDF certificate, metadata, and a link to the Ethereum transaction.

## The US copyright registration requirement

US copyright protection attaches automatically at the moment of creation. However, the Copyright Act (17 U.S.C. s.411) requires that a work be registered with the US Copyright Office before an infringement lawsuit can be filed in federal court. This is a procedural prerequisite unique to the United States.

### The registration requirement — key implications

You CANNOT file a federal copyright infringement lawsuit without first registering with the Copyright Office. No registration = no lawsuit, regardless of what other evidence you have.

Registration within 3 months of first publication (or before infringement) unlocks statutory damages of up to \$150,000 per infringement — the main financial deterrent against copying.

Processing time: 3-11 months standard; \$800 for 5-business-day expedited processing. This gap is where blockchain timestamping is most valuable.

## When blockchain timestamping is particularly useful in the US

Given the registration requirement, blockchain timestamping plays a specific and well-defined role in the US creator's IP strategy. It is most valuable in the following situations:

Situation	Why timestamping helps
During the registration gap	Registration takes 3-11 months. During this window, a blockchain timestamp provides the only dated, verifiable proof that your work existed — critical if infringement occurs before your registration is processed.
High-frequency creators	Developers committing daily, designers iterating constantly — registering every version individually is impractical. Timestamping creates a continuous, dated record at minimal cost.
Trade secrets and confidential information	Trade secrets cannot be registered. Blockchain timestamping proves the existence of a formula, algorithm, business plan or know-how at a specific date — supporting a misappropriation claim under the Defend Trade Secrets Act (DTSA) or state law.
Non-registrable subject matter	Ideas, concepts, briefs, proposals and methods are not copyrightable but can still be the subject of disputes. A timestamp proves you had them first.
Cross-border disputes	If a US work is infringed in a country where registration is not required (France, EU, Japan, Australia...), your Etch timestamp is directly admissible in those jurisdictions.
State-level proceedings	Vermont, Arizona, Nevada, Illinois and Delaware have explicitly recognised blockchain records as admissible without federal registration.

## Legal framework

Despite the registration requirement, the US legal environment for blockchain evidence is broadly favourable at both the federal and state level.

### Federal Rules of Evidence — Authentication (FRE 901)

The authentication bar is pragmatic: the proponent must produce evidence sufficient to support a finding that the item is what it purports to be. Blockchain's immutable, cryptographically-secured architecture directly satisfies this standard.

#### Business records exception — FRE 803(6)

Blockchain records may qualify as business records under the hearsay exception of FRE 803(6). Courts have also held that blockchain data showing a state of affairs at a specific time is not hearsay at all, analogous to GPS data (United States v. Lizarraga-Tirado, 9th Cir. 2015).

### State-level blockchain legislation

Multiple states have enacted explicit legislation recognising blockchain records.

State	Key provision	Year
Vermont	Blockchain records admissible as business records; presumed authentic with written declaration. First state to codify blockchain evidence rules.	2016
Arizona	Blockchain records and signatures 'may not be denied legal effect, validity or enforceability.'	2017
Nevada	Blockchain records satisfy requirements for electronic records under UETA.	2017
Delaware	Corporations may maintain business records on distributed electronic networks.	2017
Illinois	Blockchain records deemed admissible as evidence in legal proceedings.	2020
Ohio	Similar provisions recognising blockchain records in electronic transactions law.	2018

## Practical workflow — preparing your file(s)

The file(s) you timestamp must be preserved exactly as anchored. Even changing one character invalidates the proof.

Step	Action	Notes
1	Finalise your document	Make sure it is the version you want to protect — not a draft.
2	Prepare your file(s)	PDFs are stable. Word files modify their metadata when opened. For multiple files, drop them all at once — Etch will bundle them automatically. You may also ZIP them yourself if you prefer.
3	Name it clearly	E.g.: Smith_Work_FINAL_ANCHORED_2026-03-20.pdf
4	Make it read-only	Windows: right-click > Properties > Read-only. Mac: File > Get Info > Locked.
5	Timestamp it	Upload your file(s) to etchproof.eu — they never leave your browser, only their fingerprints are sent.
6	Store the ZIP	Keep your original file(s) and the proof ZIP together, in at least two locations.

## File format stability

The hash changes if the file changes — even by a single bit. Always anchor the final version, in a format that does not modify itself when opened.

Format	Stability	Recommendation
PDF	<b>Ideal</b>	Stable when opened, universal, does not modify its metadata.
Plain text (.txt, .md)	<b>Ideal</b>	No hidden metadata, fully stable.
Source code	<b>Ideal</b>	Plain text, fully stable.
Video / Audio	<b>Good</b>	Stable if not re-encoded.
PNG / JPEG / WebP	<b>Medium</b>	EXIF metadata may change when re-saved. Make a dedicated copy.
SVG / AI / EPS	<b>Medium</b>	Stable if not re-saved in an editor.
PSD / Clip Studio	<b>Medium</b>	Stable if not re-saved. Also export a flattened PDF.
Word (.docx / .pages)	<b>Avoid</b>	Modifies metadata on every open — always export to PDF before anchoring.
Excel / Numbers	<b>Avoid</b>	Same issue as Word.

### Important limitations — what timestamping does NOT do

It does NOT replace Copyright Office registration. Registration is required before filing a federal infringement lawsuit.

It does NOT unlock statutory damages. Only timely registration gives access to up to \$150,000 per infringement.

It does NOT prove you are the author. It proves you had the file at that date — additional evidence may still be needed.

It does NOT store your file(s). Only the fingerprint (hash) of each file is recorded. Without your original file(s), the proof is useless.

The certificate alone is not sufficient. Verification requires both the certificate AND the original file(s).

## Cost comparison

Blockchain timestamping fills gaps that registration cannot cover — at a fraction of the cost.

Method	Approximate cost	Duration
Blockchain timestamping (Etch)	~\$2.20 USD (~2 EUR) per anchoring	Permanent — covers registration gap
Copyright Office registration (online)	\$45-65 USD	Life + 70 years (3-11 months processing)
Copyright Office expedited registration	\$800 USD	Life + 70 years (5 business days)
Provisional patent application (USPTO)	\$320-1,600 USD	12 months placeholder
Utility patent application (USPTO)	\$1,600-16,000+ USD	20 years

## How verification works

Anyone can verify your proof, at any time, for free — including US courts, lawyers, and opposing parties:

- Calculate the SHA-256 hash of your original file using the verification tool at [etchproof.eu](https://etchproof.eu).
- Look up the transaction on [Etherscan.io](https://etherscan.io) — the public Ethereum blockchain explorer.
- Confirm that the hash in the blockchain matches your file's hash exactly.

For a multi-file bundle, each file can be verified individually using its own hash. The session hash (anchored on the blockchain) corresponds to the hash of the manifest listing all files.

Even if the Etch service were to cease operations, your proof remains permanently verifiable on the Ethereum blockchain — maintained by thousands of independent nodes worldwide, with no dependence on any company, government, or hardware.

Questions? [contact@etchproof.eu](mailto:contact@etchproof.eu) | Verification: [etchproof.eu/verify](https://etchproof.eu/verify)

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