



# Professional Photographers of America

## Copyright Kit

Created exclusively for PPA Members  
by PPA's Copyright & Government Affairs Department  
Updated September 2009

*The Congress shall have Power... to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.*

- U.S. Constitution, Article I, Section 8, Clause 8

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The Copyright Kit is not intended to be legal advice; instead, it is a compilation of information bringing together a variety of copyright materials into a single document. For advice on your specific situation, contact the Copyright & Government Affairs department at 800-786-6277 or [copyrightdefense@ppa.com](mailto:copyrightdefense@ppa.com), or consult with a local attorney.

## How Does PPA Protect My Copyrights

- **Lobbying on Capitol Hill.** We are the only photography association with a full-time staff dedicated to protecting your rights on Capitol Hill. Our lobbyists take your story to members of Congress to explain that copyright isn't just about movies and music - it's also about professional photographers who live and work in their districts.
- **Working with the Copyright Office.** As part of its advocacy program, we work with the U.S. Copyright Office to find ways to reduce the burden of registration on our members. Instead of simply asking for changes, we have been proactive in bringing ideas to the Copyright Office for consideration.
- **Working with the Copyright Community.** PPA is a member of a variety of organizations that represent the interests of the copyright industry. PPA also lends its support to such organizations through *amicus curiae* (friend of the court) briefs in cases that will directly impact the copyright of your images. In addition to providing photographers a voice within the copyright industry, PPA also works towards educating the retail community on how they too can help protect your copyright.
- **Assisting you directly.** If you are having problems with a client or a third party who is using your work without permission, you can call us for help. A member of our Copyright and Government Affairs department will consult with you and provide information you can use to make an informed decision on how to proceed. If you wish to do so, you can also have us contact the infringer on your behalf as a way to get them to stop the practice or bring them to the negotiating table.
- **Providing legal information.** Copyright problems are often wrapped up in contract, employment and other legal issues. While we cannot provide legal advice, we can provide you with relevant legal information and resources on these issues to give you a more complete view of the situation.
- **Encouraging copyright compliance.** Your fellow PPA members also take part in the association's "Retailer Compliance Network" or RECON program. This mystery shopper program allows us to check and see how well retailers are complying with their own copyright policies. Where there is need for improvement, we bring it to their attention; and where they are doing well, we praise them for their efforts.
- **Publishing the Copyright Defense.** PPA also produces an e-newsletter that brings you all the latest developments in copyright from Congress, the Copyright Office and even court decisions. Signing up for this newsletter is easy, just go to [www.copyrightdefense.com](http://www.copyrightdefense.com).

### FOR COPYRIGHT ASSISTANCE:

E-mail: [copyrightdefense@ppa.com](mailto:copyrightdefense@ppa.com)

Phone: 800-786-6277 - ask for the Copyright Department

# **The Photographer's Quick Reference Guide to Copyrights**

The following pages briefly address common copyright questions posed to the Copyright & Government Affairs department by members. For more detailed answers, please refer to the appropriate section of the Copyright Kit.

## **What is a copyright?**

A copyright gives its owner the right to copy, distribute, publicly display or create derivative works from the original work. A copyright also gives its owner the right to license those rights to others.

## **What else does copyright cover?**

The same law that protects photography also protects music, motion pictures, magazines, books, choreography, sculptures and more.

## **How do I copyright my photographs?**

Your images are copyrighted from the moment you create them. While this copyright exists, the government has set up barriers to enforcing those rights - so getting "full" copyright protection involves registering your work with the U.S. Copyright Office.

## **Who owns the copyright?**

You do. However, if you are an employee or independent contractor, your employer owns the copyright if you signed a work-for-hire agreement.

## **How long does a copyright last?**

The current copyright term is the life of the creator plus 70 years - or, for works "created" by a corporation, 95 years.

## **Can I copyright my business name and/or logo?**

No. Business names and logos are eligible for trademark protections, not copyright. Although both are forms of intellectual property, their protection and registration processes differ from each other. For information on how to trademark your business and/or logo, contact the appropriate agency within your state or the U.S. Patent and Trademark Office at [www.uspto.gov](http://www.uspto.gov).

## **My client claims that since they hired me, they own the rights - is that true?**

No. Your client is misinterpreting the legal term "work for hire." Work-for-hire status grants a company the copyright to a work created by one of its employees during the scope of his or her employment. Your clients are hiring you as an independent contractor—not an employee—so the work-for-hire claim does not apply.

## **How do you transfer a copyright?**

In order to be considered valid, a copyright transfer must be made in writing between yourself and person or firm requesting your copyrights. (See Appendix A)

## **Does owning the copyright mean I can do anything I want with my images?**

No. While you own the copyright to your work, your clients and subjects also have a right to privacy. Based on that, you should always have a signed model release on file. (See Appendix D)

**What does "registration" mean?**

Registration involves sending your work to the U.S. Copyright Office along with some paperwork and a registration fee - in exchange for a greatly increased ability to enforce your rights.

**Do I need to mark my work?**

Technically, a copyright mark is not required for protection. However, as a practical matter, we encourage members to mark all of their work. The position of the mark is up to your own personal taste: embossed on the front of a print, the back of the print or in the image file properties. Also, if you mark your work, it prevents an infringer from claiming "innocent" infringement, which would lead to reduced damages.

**If someone gives me a photo credit, does that mean they did not infringe?**

No. Giving you a photo credit has no bearing on whether or not an infringement exists. Absent a written agreement to the contrary, you are the only one permitted to make copies of your work in most circumstances.

**I shared an image with the newspaper and did not receive photo credit. Is that copyright infringement?**

No, there is no automatic right to a photo credit. You can make photo credit a requirement of your licensing or other usage agreement. Failure to abide by the agreement (such as lack of photo credit when required) is copyright infringement.

**I posted some images on my website; does that mean they are in the public domain?**

Even the images you post online are protected by copyright law. Remember, your images are copyright protected from the moment you create them. If you find that another website contains your copyrighted material, the Digital Millennium Copyright Act (DMCA) allows the copyright holder to send a letter to a website's Internet Service provider or Copyright Abuse Agent to request the copyright-protected material be removed. (See Appendix E)

**Who do I call if someone infringes on my work?**

If someone is copying your work, call Professional Photographers of America. One of our copyright specialists will provide you with information (specific to your particular situation) on your options for stopping the practice, or possibly even being compensated for the infringement. This service is free and is an exclusive benefit of your membership in PPA. The Copyright & Government Affairs department can be reached at 800-786-6277 or [copyrightdefense@ppa.com](mailto:copyrightdefense@ppa.com).

## Steps You Can Take to Protect Your Copyrights

Twenty years ago, photographers controlled the means of reproducing their images. Today's environment is vastly different. Technology has advanced to a point where it is easy and not very expensive to reproduce a photographic image. Quality lagged for a while but has improved dramatically. The machines - many different makes and models - may not provide competition-print quality, but they are more than adequate for many consumers. It is extremely important that photographers take proactive steps to protect their copyrights and their businesses.

This isn't new. For many years, photographers who do primarily commercial, advertising or stock work (where the use of images is sold) have taken important steps to protect their images. Because of the technological revolution in copying photographs, this is now a challenge that photographers selling directly to consumers (mostly portrait and wedding work) have to face.

Yes, the Federal Copyright Law states that the images you create are copyrighted from the moment of creation. But we strongly recommend that you do not depend on that to stop illegal copying of your work. Fortunately, there are a number of very effective steps photographers can take to protect their rights.

1. **Mark your work.** Marking your images with a copyright notice is the single most effective means you have of protecting your rights. It tells the customer and a potential copier that this photo is done professionally and is protected under the copyright law. It can also communicate who the copyright owner is and how to contact them (which is extremely important).

What should a good copyright notice contain? We recommend that the word copyright or the circle c symbol be used along with the photographer's or studio's name. The year that the photo was created is helpful.

**©ABC Studios 2000**

We suggest that you also consider adding a line such as "all rights reserved" or "illegal to copy or scan without written permission." This delivers a stronger message and tells a potential copier that written permission is required. In other words, it makes it hard for a client to say, "Oh, I called the photographer, and they said it was ok."

**©ABC Studios 2000**

**Illegal to copy or scan without written permission.**

Lastly, we urge that a location or a means to contact the copyright holder be included. The easier you make it, the more likely it is for people to follow the rules. You also don't want to pass up a possible sale! Remember that a print of a grandchild may be sent to Grandma on the other side of the country. Five years later when she wants a larger print, we want to make sure she can contact you for either the print or permission (which you can sell her).

**©ABC Studios 2000**

**Illegal to copy or scan without written permission.**

**Anytown, USA 123-456-7899**

Many members have begun using their ID number as part of the notice, along with the 800 Customer Service Center number. When that potential client calls, we can easily put them in contact with you. You don't even have to ask for permission to use this service. Simply use your ID number and the Customer Service Hotline, 800-786-6277.

**©ABC Studios 2000**  
**Illegal to copy or scan without written permission.**  
**PPA ID #XXXXXXX 800-786-6277.**

The Customer Service Center will receive over 10,000 calls this year from consumers looking for the copyright owner of a photo. They are referred to us by retailers who copy photographs, such as FedEx Kinko's and many others. Our main objective is to get that consumer in touch with the photographer/copyright holder of the photo. By helping the retailer enforce the rules, we are helping to protect photographers' rights.

Copyright protection is a war, not a battle. Marking your work is a critical step in protecting your copyrights, but it is only the beginning of the copyright education you need to provide clients. Even people who would never copy a book or video may not equate copyright law with a portrait of themselves or their family. Educating your clients is a major step in protecting your rights.

2. **We recommend that copyright information be included in your advertising and sales literature and as part of any contract or agreement with clients.** We suggest not just saying that your "photography is protected by the US Federal Copyright Law." Your clients may not understand that...or not understand it completely. A client may understand that they are not supposed to go down to the local copy center with their portrait, but think it ok to put it on their home scanner. You may want to use a phrase such as "all photography by ABC Studio is protected from copying, scanning or reproduction under Federal Law." In addition to including the copyright message in materials, consider displaying some well-done signage in the reception and selling rooms. Please do not depend on your clients reading the small print. The message does not need to scream out at them, but it shouldn't be hidden either.

Include copyright information with the products you deliver, like prints, albums, disks, etc. PPA provides such a "copyright insert." It is a well-written, simple and non-threatening message, explaining what copyright means with photographs. It comes from PPA so that if your client is upset about it, you can blame us or the Federal government. We strongly recommend that the insert, or something like it, be included in every print, album or disk you provide your clients. To order PPA "Copyright Inserts," please contact Member Services at [csc@ppa.com](mailto:csc@ppa.com) or 800-786-6277. Inserts are available in packages of 50, your first two are complimentary and each additional package is \$3.00.

Also consider including a line about copyright information in your sales agreements or contracts: "All photography by ABC Studio is protected from copying, scanning, reproduction, enhancement or manipulation by Federal Law." You may also want to add something like, "We agree to return to ABC Studio for any copying, scanning, reproduction, enhancement or manipulation." Now, you have a contract with your client. If they break the contract by getting 500 wallets made at the local "Mart," you can address it as a contract matter (state law and state court) rather than a more expensive copyright matter (federal law and federal court). Of course, this means suing your client...something that you may not wish to undertake. (Note:

We always recommend that a written agreement be part of every job you book.)

- 3. To further protect your work, you may also want to consider copyright registration.** Registration of your copyright with the Copyright Registration Office of the Library of Congress gives you more litigation options. With registration, you can sue for and obtain court costs, attorney fees and statutory damages (assuming the judge and jury agree with you). Without registration, you cannot. For more information on copyright law and copyright registration, we refer you to the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov).
- 4. You may want to look at and possibly make changes in how your business operates...**not only to protect your copyrights but also to increase your sales. Many photographers use a business model that was developed when the photographer controlled the means of reproducing a photograph. You may want to revisit your proof, reproduction and possibly file-sharing processes.

Many photographers now do not allow previews or proofs outside of the studio, preventing a client from copying those images. Those photographers also have the opportunity to participate in, and influence, the decision of which poses or shoots to select. Video proofing and/or showing digital proofs on a computer screen are successful techniques used by many members.

The internet is also being used with great success. Photographers can post the previews on a website, possibly password protected, where they can be viewed. If images are loaded as a low-resolution file, there is little danger of copying since a low-res file will not yield a good print. Some sites even take orders online, providing both photographers and clients with additional benefit. Not only are you protecting your images, but now Aunt Sally across the country can see and order senior photos of her nephews and nieces. This technique is working very well for wedding and event photographers (all of the guests can order prints).

Many photographers also now sell packages (especially with weddings) rather than rely on reprint orders. Some photographers offer the negatives or digital files (basically selling or licensing the copyright) to clients either as part of a package or at some point after the initial orders are completed. Photographers have even been able to increase their session or creative fee and lower their print prices. Of course, how your business operates will be different than another photographer's, and your business decisions need to be based on what works best for your business.

- 5. We also recommend and encourage members to actively participate in the Photographer Registry available at [www.photographerregistry.com](http://www.photographerregistry.com).** This website will allow you to list and maintain your business contact information so that past clients and future copiers can seek your permission to reproduce your image. By making your information available online, your client or a retailer can quickly pull up your information and pick up the telephone to make you aware of possible copyright infringement. Additionally, when you decide to put down your camera or sell your business, you can indicate the appropriate contact person.

## **Copyright Registration: The Key to Enforcing Your Rights**

When your work is created, it is copyrighted. In the U.S. there is a dual system of copyright protection—your work is either registered and extremely well-protected, or unregistered with little or no protection.

The copyright that exists on your work from the moment of creation provides you with very few tools for enforcing your rights. In a legal action, the most you could recover would be actual damages (lost income) related to the infringement. In other words, the most you could hope for is the fee you would have charged, plus any money that you can prove the infringer made based on their illegal copying.

Because the value of photography varies widely, these actual damages will rarely get high enough to interest an attorney to pursue a case. In fact, most infringements will not be worth enough to have an attorney write a cease-and-desist letter. This is compounded by the fact that in most cases you will be required to bring a copyright suit in federal court.

On the other hand, if you register your work with the U.S. Copyright Office within 90 days of your first publication of the work or before an infringement, you have very powerful weapons for enforcing your rights: statutory damages and attorney fees.

Unlike an unregistered work, your registered images will normally qualify for between \$750 and \$30,000 in damages—without proof of actual damages in a court case. In extraordinary instances, this amount can go as high as \$150,000 per infringed work. In addition, you may also be eligible to receive attorney's fees from the other side if you win. Despite this, less than 1% of professional photographers regularly register their work with the Copyright Office; meaning they are the only photographers who have a realistic chance of enforcing their copyrights in court.

The potential for significant damages puts you in a much stronger position to demand payment for an infringement. Unlike the owner of an unregistered work, the owner of a registered copyright cannot be ignored by an infringer since there is real possibility of a lawsuit. This potential to bring a suit provides a strong deterrent—and will often result in avoiding court altogether. When faced with the choice of paying for their usage or being dragged into federal court for a process that can take three to five years, paying their own attorneys, and possibly owing you statutory damages and your attorney's fees, most companies will make a good faith effort to negotiate a settlement.

That's why—even if you would never dream of going to court—you should always register your work. In order to get full protection for all of your work, we recommend that you register once every two months. The dollar cost for registering all your work in this manner can range between \$210 - \$390 (plus shipping). The time cost, however, is greater since the Copyright Office requires a copy of every image you are registering. The good news is that the images can be placed on CD or DVD, which makes incorporating copyright registration into your workflow much easier.

## **The Basics of Copyright Registration**

We will begin by covering the basics components of copyright registration. On the next few pages we will touch on single and multiple image registration considerations and give you helpful hints on completing your application accurately. Immediately following, you will find our guides to using each of the registration tools provided by the U.S. Copyright Office. Even though you have read our guides, you will still want to visit [www.copyright.gov](http://www.copyright.gov) for the most up-to-date information on registering works of visual art.

There are four different ways photographers can register their work with the U.S. Copyright Office: registration of single images, group registration of published photographs, registration of an unpublished collection of photographs (and another registration method, “Contribution to Periodicals,” is technically available, but we have omitted it since the group registration of published photographs achieves the same goal and provides more flexibility in how you deposit your work).

All copyright registrations have these three things in common:

1. A completed registration application (application supplied by the U.S. Copyright Office).
  - Electronic Copyright Office (eCO) System,
  - Form CO (fillable PDF with barcode), or
  - Form VA and component forms
2. A deposit (submission) of copies of the work(s) being registered.
3. A per application registration fee.

### ***Single Image Registration***

The three above items are the only things required for registering a single image. A “one-at-a-time” approach works well if you are only submitting the occasional photograph for full copyright protection. However, registration fees add up in a hurry if you are registering a significant amount of your work. Recognizing this, the Copyright Office will permit you to register multiple images on one registration and for a single fee subject to certain conditions.

### ***Group Registration: Published or Unpublished?***

The publication status of your work is a key factor in determining which group registration method to use. The Copyright Act defines publication as “the distribution of copies ... of a work to the public by sale or other transfer of ownership, or by rental, lease or lending. The offering to distribute copies ... to a group of persons for purposes of further distribution ... or public display, constitutes publication. A public performance or display of a work does not, of itself, constitute publication.”

Regardless of whether you are registering a group of published photographs or an unpublished collection, it is important to note that the Copyright Office does not allow published and unpublished images on the same copyright registration under any circumstances.

### **Special Requirements for Registration of Unpublished Collections**

The process for registering an unpublished collection of photographs is almost identical to registering a single work. The only special requirements for submitting an unpublished collection on a single form are the following:

1. All of the photographs in the group must be unpublished.
2. The “Title of this Work” should identify the collection as a whole.
3. Copyright claimant is the same for all photographs and the collection as a whole.
4. All photographs in the collection are by the same author (or photographer); or where there are different authors, at least one has contributed copyrightable authorship to each of the photographs in the collection.
5. There is no limit to the number of images that may be included in a collection.

### **Special Requirements for Group Registration of Published Photographs**

The special requirements for registering your work as a Group Registration of Published Photographs are the following:

1. All images in the group must be published.
2. The same photographer must have created all the photographs in the group registration. A company that is considered the legal “author” of all the works created by its photographers may still only register the images of one photographer in a group registration.
3. All photographs in the group must be published within the same calendar year.
4. All photographs must have the same copyright claimant.
5. You may include an unlimited number of images on a single group registration of published photographs.

#### **Special Note:**

If the photographs qualify for group registration as published photographs, you may need to complete both Form VA and Form GR/PPh/CON. Form GR/PPh/CON is a special “continuation sheet” that requires you list every image in the group and its first publication date individually. Fortunately, it is possible to avoid filling out the form—GR/PPh/CON is **not required** if:

- All of the photographs in the group registration were published no more than three months prior to the application, fee and deposit arriving at the Copyright Office. In those instances, an exact creation date for each image is not mandatory. Instead you may use a range of dates covering no more than the three month period.
- Every one of the images you deposit contains a date of publication on the work.

Even if you meet these requirements, you can still complete Form GR/PPh/CON if you like, since it does provide a more complete record of the works being registered. However, the time consumed by this process is such that most photographers find it easier to avoid the extra step.

## ***The Copyright Deposit***

You must send the Copyright Office at least one copy of every image you are registering—even if the images are part of a published group or unpublished collection.

If you are registering an unpublished single image, you must submit one complete copy of the work with your registration form. If the image is published, you must submit two copies of the “best edition” of the work. For photographs, the “best edition” of the published work is the most widely distributed edition, in the form of an 8x10 inch glossy print (other sizes permitted, but are less preferable) on archival-quality paper rather than less permanent paper stock and printing.

### **Special Note on Online Copyright Registration:**

When registering via the Electronic Copyright Office (eCO) system, you can submit your deposit as low-compression digital files. Please refer to the “Guide to Using the eCO System” on page 12 of this Kit or visit [www.copyright.gov](http://www.copyright.gov) for additional details.

If you are registering your work as either an unpublished collection or as a group registration of published photographs, you have far more flexibility in the materials you provide the Copyright Office. The Copyright Office will accept the following formats (in order from most to least preferred) for unpublished collections and group registrations:

- CD-ROM/CD-RW or DVD-ROM, with images saved as JPEG, GIF, TIFF or PCD
- Unmounted prints no smaller than 3x3 and no larger than 20x24
- Contact sheets
- Slides, each with a single image
- The format in which the photograph has been published
- Photocopy (if the original image was color, the photocopy must also be in color)
- Slides, each containing up to 36 images
- Videotape clearly depicting each photograph.

## ***Common Registration and Deposit Errors***

Despite the mutual efforts of everyone involved, there are a number of problems that commonly crop up in photographic copyright registrations. After an informal poll of the copyright examiners in the visual arts section of the U.S. Copyright Office, we have discovered that there are some common registration errors every photographer should avoid.

### **Group Registration of Published Photographs**

Publication dates appear to be the most common errors in filing a group registration of published photographs. The most common date problems are the following:

- Providing only one date for a group registration. This is only appropriate if all images were published on the same day.

- Providing a publication date range of January 1-December 31. If using such a date range, you must include the individual dates of publication for each photograph on Form GR/PPh/CON. While the regulation permits registering images from the same year in a single group, a photographer may only avoid individually dating each of the photographs in the group if the images being registered were all published within a three month timeframe. For example:

Photographer A does a group registration of published photographs. Photographs in the group were first published on a variety of dates ranging from January 15, 2009, to August 28, 2009. Because the range of dates is greater than three months, Photographer A must individually list the publication dates for every photograph being registered.

Photographer B does a group registration of published photographs. Photographs in the group were first published on dates ranging from January 15, 2009 to April 2, 2009. Since all of the images were first published within a three month period, Photographer B may list only the range of publication dates.

- Incomplete or missing publication dates. Unless it falls into the special “three month” exception, a registration must include a complete publication date for every individual image included in the group.
- Failure to include both the name of the employer and the photographer when the images are work-for-hire creations.

#### **Registration of Unpublished Collections**

- When registering an unpublished collection, be sure to give the registration a collective title, but do not complete the “Title of Work” section as a “Group Registration.” The terms “Group Registration” and “Unpublished Collection” have very specific meanings to the copyright examiners and should not be used interchangeably.
- **For Form VA users:** Do not use Form GR/PPh/Con to list works in an unpublished collection. While the title of GR/PPh/Con is “Continuation Sheet for Form VA,” it may only be used when registering a group of published photographs. When making an unpublished group registration, you should use the “Continuation Sheet” for Application forms—known as Form CON and titled “Continuation Sheet for Application Forms.”

#### **Deposit Errors**

While you may register a group of published photographs or an unpublished collection on one form, you still need to deposit copies of every work being registered. Many applicants mistakenly send a single image that is representative of the group being registered—this is insufficient under current regulations.

## **Guide to Using the Electronic Registration (eCO) System**

The Electronic Copyright Office (eCO) online registration system is now officially accepting photographic registrations and deposits via this program. Just like the beta test version, eCO is only accepting certain types of registrations. For photographers, it means photograph(s) being registered must meet one of the following criteria:

- A single photograph created by one copyright owner.
- Multiple unpublished photographs created by the same copyright owner.
- Multiple published photographs featured in the same publication and created by the same photographer.

In addition to ensuring your eligibility, there are a few technical points that you will need to address. You will need to disable any pop-up blockers or third-party toolbars used in your Web browser. The system is currently compatible with Microsoft Internet Explorer 6.0, Netscape Navigator 7.02, and Firefox (both PC and MAC versions).

### ***Advantages of eCO***

The eCO system will expedite the registration process and change the way the Copyright Office communicates with registrants. One obvious change is the increased efficiency in submitting your registration and deposit information as well as in receiving your Certificate of Registration. For example, the Copyright Office will share information via e-mail whenever possible, and those photographers who often register group works (whether published or unpublished) will no longer need to complete continuation forms when using this system.

While you may register online, your Certificate of Registration will continue to arrive by U.S. Mail; however, it will take on a new look. Rather than returning your completed application approved by a copyright examiner, the new certificates are printed out and contain the registration information you provided, the date your submission was received, and a statement certifying that the information provided is “correct to the best of the author’s knowledge.”

In addition to reducing the wait time for a certificate, there is an economic advantage to using eCO. The Copyright Office is allowing registrants using eCO to pay a \$35 per application fee, unlike the \$50 fee for submitting Form CO, or \$65 for Form VA and other paper-based applications.

## **Completing the Registration Process**

The new eCO system only requires three simple steps to register your copyright. For a step-by-step guide to completing an eCO application, please see the appendix.

### **1. Complete the Application**

Once you have addressed these technical issues, you can begin to create an eCO account and start registering your photographs. Select “**Register a New Claim**” and follow the screen prompts.

Important keywords, highlighted in blue, can be clicked on to clarify the type of information requested for a particular section. You can also click on the “**Help**” link for additional guidance in troubleshooting the online application. Be sure you complete any field featuring a red asterisk (\*) as they are required to process your application.

The registration application includes 11 major sections that have been defined as follows:

- Type of Work – Indicate the medium you are registering (i.e. Visual Arts)
- Titles – List one title for an individual photograph or Group and individual titles for multiple photographs.
- Publication (or Completion)
- Authors – The person or studio that created the photograph(s).
- Claimants (or Copyright Owner)
- Limitation of Claim (Applies only to derivative works)
- **Optional:** Rights & Permissions – Person(s) authorized to grant usage rights
- Correspondent – Who to contact concerning the application.
- Mail Certificate – The address to which your certification should be sent.
- Certification – This section will ask you to verify (and affirm) all information is true.
- Review Submission – Your last chance to edit the application before submitting for review by the Copyright Office.

If you cannot complete the application in a single sitting, you will be given the opportunity to save and return where you left off at select points throughout the application. To pick up where you left off, select the application you were working on from the “**Working Cases**” menu on your account homepage.

## 2. Submit Payment Information

Once you have completed your registration application, you can click “**Checkout**” to pay the \$35 application fee. You can choose to pay by debit/credit card, e-Check (ACH debit), or establish a deposit account. You must pay the registration fee to continue to the screen that allows you to upload your image files or print a shipping label to mail in your work.

- ***Paying by debit/credit card or e-Check***

To pay by debit/credit card or e-Check, click on “**Pay – Credit/ACH.**” You will now be allowed to elect either the debit/credit or ACH payment method. Whichever method you select, be sure to complete all required billing information. As with any online payment, you will be prompted to verify the payment information you have provided, enter an e-mail address to receive receipt/payment confirmation, and of course, agree to accept the charges.

Please note that these payments are accepted via Pay.gov, a secure payment site administered by the U.S. Treasury Department. As a result, you will be linked to Pay.gov to provide your payment information and returned to eCO once payment has been submitted. Note: This process should occur seamlessly; you should not be asked to establish an additional account.

- ***Paying by deposit account***

A deposit account is a method of payment in which you can make advance fee payments to the Copyright Office and have the registration debited from this account each time you file an application. If you register your work on an ongoing basis, you might consider establishing a deposit account with the U.S Copyright Office.

To draw from an existing account, follow the “**Organization/DA**” link on your eCO account homepage.

Once a deposit account is connected to your eCO application, click on “**Pay – Deposit Acct.**” This will direct you to an account balance screen, which will reflect your billing information and the availability of funds in your account. To apply the application fee to your deposit account, click on the “**Pay**” icon found next to the account balance. This will link you to a payment confirmation: click “**OK**” to accept payment and generate a printable receipt.

## 3. Deposit Your Work

Now that you have completed your application and paid the application fee, it is time to submit a copy of your work. You have the option to upload digital files or mail in hardcopies or digital files to satisfy the deposit requirement.

- ***Uploading digital files***

Select “**Upload Deposit**” on the Deposit Submission screen.

When completing file upload, keep in mind that your session can last no longer than 60 minutes. As a result, the size of the file(s) you submit is important. The number of image files you can upload in a single deposit session will depend upon the type of network

connection you are using. Files must be uploaded individually and can be browsed for by using the eCO prompt. For the most up-to-date file size parameters, visit [http://www.copyright.gov/eco/faq.html#eCO\\_2.1](http://www.copyright.gov/eco/faq.html#eCO_2.1).

Once you have uploaded all files associate with your application, click “**Submit files to Copyright Office.**” At this time, you will be directed to a confirmation page listing each of the image files you have uploaded and be given an “upload request number” to attribute to this file transfer.

Note that executable files (with extensions like .EXE, .COM, and .BAT, etc.) are the only file types not accepted via the online system.

- ***Depositing by Mail***

If you prefer not to upload your digital files, select “**Send by Mail**” on the Deposit Submission screen. This will generate a shipping slip, which will appear as a PDF file under the “Attachments” heading on this same page. Print and attach the shipping slip to each work (or set) that you are mailing.

Remember to properly and securely package prints, CDs, or DVDs, as mail sent to Capitol Hill is subject to additional security screenings. Items should be sent to the address printed at the bottom of this slip. You must send in your work within 30 days of the “**Case Date**” that appears on the shipping label.

Once you have uploaded your files or printed your shipping label, you will be returned to the Deposit Submission page. Click “**Done**” to confirm that you have completed this process.

## ***What’s Next?***

Since you registered using the eCO system, you can log in at any time to check on the status of your registration application. Remember, it will take at least 30 days for you to receive a Certification of Registration. This certificate will not arrive electronically; instead, it will be sent by U.S. Mail.

You can also look out for proof of your registration in the Copyright Office’s searchable database. The Copyright Office will make available the copyright information you listed on your application, along with identifying information to help users identify your work.

## Guide to Using Form CO

Now that the Copyright Office has officially begun accepting registrations and deposits via eCO, they have updated their paper and downloadable forms to reflect the data collected during the online registration process. For copyright owners unable to register using eCO, the Copyright Office has implemented Form CO, a 2-D barcoded form that is only available online.

This form will allow Copyright Examiners to upload your application information directly into the eCO database upon receipt. Registrants using Form CO must still meet certain eligibility requirements, dependent upon the type of work you intend to register. In most cases, if you are not eligible to use eCO, you will not be eligible to complete Form CO. This means you should be registering photographs with one of the following requirements:

- A single photograph created by one copyright owner.
- Multiple unpublished photographs created by the same copyright owner.
- Multiple published photographs featured in the same publication and created by the same photographer.

Although completed electronically, Form CO does require a \$50 application fee.

### ***Completing the Registration Process***

Now that you have qualified to use Form CO, you need only follow three easy steps to register your photographs. Unlike Form VA, you must complete Form CO in your Web browser, and then print it in order to enable the 2-D barcode technology. For a step-by-step guide to completing Form CO, please see the appendix.

#### **1. Complete the Application**

Form CO can be used for single image and group registrations as per the above eligibility requirements, and no continuation form is required. The entire application consists of 7 pages, each featuring its own unique barcode. The sections are defined as follows:

- |   |                           |
|---|---------------------------|
| 1. Work Being Registered                            | 5. Rights and Permissions |
| 2. Author Information (Photographer)                | 6. Correspondence Contact |
| 3. Copyright Claimant Information (Copyright owner) | 7. Mail Certificate To    |
| 4. Optional: Limitation of Copyright Claim          | 8. Certification          |

You can use the completed form for more than one registration containing similar information (i.e., same copyright owner, but a different photograph) by editing the information as appropriate and then reprinting it.

After completing your application, print two copies. One will accompany your payment and the photographs you are submitting, and the second is for your records as it contains your tracking number. For best results, the Copyright Office recommends using a laser printer. (Note: No dot-matrix versions will be accepted.)

## **2. Submit Payment Information**

Be sure to include a \$45 check payable to Registrar of Copyrights when mailing in your registration materials. If you have a deposit account, enter the number in blank 8C to have the fee charged to your account. If you are interested in establishing a deposit account, please visit [www.copyright.gov](http://www.copyright.gov).

## **3. Prepare your deposit**

Now that you have completed your application, you are ready to prepare your deposit.

Remember to properly and securely package prints, CDs, or DVDs, as mail sent to Capitol Hill is subject to additional security screenings. You should include the printed and signed application, payment, and photographs or digital media in the same envelope/package to:

Library of Congress  
Copyright Office  
101 Independence Avenue, SE  
Washington, DC 20559-6211

Be sure to include the four-digit ZIP code extension as it appears above. This ensures that your materials are delivered to the division processing the registration of Visual Art Works.

## ***What's Next?***

Congratulations, you have prepared your registration and deposit for the U.S. Copyright Office. Since you completed Form CO, a paper format application, please keep in mind it may take between 3-6 months for you to receive your Certificate of Registration in the mail. Remember that once you have sent your submission in hard copy format, you may not register it electronically.

## Guide to Using Form VA

Form VA was the basic form for all registrations of photographs—whether single images, unpublished collections or groups of published photographs. The Copyright Office will continue to accept Form VA and its companion forms as appropriate, but they will no longer make them available for download at [www.copyright.gov](http://www.copyright.gov). You can request additional copies of Form VA by visiting <http://www.copyright.gov/forms/formrequest.html>.

If you intend to file a new registration application, you may continue using Form VA and Form GR/PPh/CON; however, be advised there may be an extreme delay (over 6 months) before a Certificate of Registration is returned to you because the information supplied will be transferred into the existing system.

You will need to use Form VA and one of its accompanying forms to make corrections to an existing registration, renew your registration, register groups of serial issues or groups of contributions to periodicals.

The instructions on Form VA and Form GR/PPh/CON are sufficient. But based on the comments from photographers, we have put together this photographer-oriented walk-through for Form VA. Where a special step is required for group registration of published works or an unpublished collection, we have noted it.

### ***FORM VA – Step by Step***

#### **SPACE 1**

Title of this Work: This can be anything—the Copyright Office simply needs something to call the work or the image group for cataloging purposes. However, if your submitted work has a title on it, that should be the title on the form.

Nature of this Work: This will be either “photograph” or “photographs.”

Previous or Alternative Titles: If you are registering a group of published photographs, this section must include the words “Group Registration/Photos,” along with the number of photographs in the group. For example: Group Registration/Photos; app. 500 images.”

When not doing a group registration of published works, providing any alternative title that the work might be known under will make it easier for those searching Copyright Office records to find you.

Publication as a Contribution: If the photograph in question is published as part of a periodical, serial or collection, you will need to record the title of that publication here. You will also need to give volume, number, issue date and page number references.

## **SPACE 2**

2a. Name of Author: “Author” has a special definition here. In many cases, the author will be the same as the photographer who created the image. This situation changes when photographers incorporate their businesses and list themselves as employees.

Where the photographer is an actual employee of the business—not an independent contractor—the business is considered the author of the photograph. When using a business name, you must use the full legal name of the employer. If you like, you may also include your own name on this line as well.

If you are completing a group registration for published photographs made as work-for-hire work, then you **must** use both the employer and photographer names. The format should be NAME OF COMPANY, employer for hire of NAME OF ACTUAL PHOTOGRAPHER.

Dates of Birth and Death: Unless you have the ability to predict future events, you will omit the date of death when registering your own work. Likewise, if the images are considered a “work for hire” and the author is a company, both the birth and death dates can be omitted.

Author’s Nationality or Domicile: This section must be completed regardless of whether the author is the photographer, a work-for-hire employer, anonymous or pseudonymous. For work-for-hire employers, the domicile of the business is usually considered to be the country in which the company was incorporated or where it has its principal place of business.

Was Author’s Contribution to the Work Anonymous? Pseudonymous?: It is possible to register the work anonymously or under a “pen name.” Check the appropriate box if either no name or a false name appears on copies of the work being registered.

Nature of Authorship: Select photograph.

2b. Name of Author: Same as above, but section 2b should only be filled out when there are co-authors to the work. Co-authors are not normally involved in the creation of photographs.

## **SPACE 3**

Year in Which Creation of This Work Was Completed: What year did you create the work? Note that this is not the year of publication, but of creation.

Date and Nation of First Publication of this Particular Work: This only applies if the work has been published prior to, or simultaneously with, your registration. The copyright statute defines publication as the distribution of copies of the work to the public by sale or other transfer of ownership, rental, lease or lending—or if an offer has been made to distribute to others for the purpose of further distribution or public display.

This section requires full date and nation of publication. If publication was simultaneous in the United States and any number of other countries, just use “USA.”

**Special Note for Group Registration of Published Photographs:**

If all of the images in the group registration were first published within three months of the Copyright Office receiving your materials, then you may simply include the range of dates here. If the range of dates extends beyond the three month period immediately prior to the Copyright Office receiving the registration, you may still put the date range here...but you must also list every work being registered and its publication date separately on Form GR/PPh/CON.

**SPACE 4**

Copyright Claimant(s): This space requires the name and address of the party or parties who currently own the copyright in the work—even if it is the same party as the author in Space 1.

Transfer: If there has been a transfer of the copyright (not a work-for-hire arrangement), the claimant must give a very brief example of how they obtained the copyright (e.g. “inherited” or “transfer of all rights”). Do not attach documentary evidence of the transfer.

**SPACE 5**

Previous Registration: Check “no” and skip the remainder of section five unless the work was previously registered with the Copyright Office. In most cases, the only “previous registrations” that might occur in the photography context are the registration of a “published edition” of a work that was registered in unpublished form. If there was a prior registration, you will need to supply the prior registration number from the copyright certificate and the year of that registration.

**SPACE 6**

Derivative Work or Compilation: This section is only required if the work being registered meets two criteria:

1. The work is a changed version, compilation or derivative work and
2. It incorporates one or more earlier works that have already been published or registered or have fallen into the public domain.

In other words, the work is either pre-existing material arranged to create a new work or is based on another pre-existing work. A photographic example would be a photo montage incorporating photographs that have already been published or registered.

**SPACE 7a**

Deposit Account: (Usually left blank.) This section only applies if you have set up a deposit account, a pre-paid account used to cover the cost of registration. Deposit accounts can be set up through the Copyright Office for those that do a minimum of 12 registrations a year.

**SPACE 7b**

Correspondence: The Copyright Office will use the information you supply here if they have questions or other concerns about the application.

**SPACE 8**

Certification: This section is required to help ensure that copyright registrations are authentic. The signature required at the bottom of this section must be handwritten.

**SPACE 9**

Certificate will be mailed...: You need to put your mailing address here one last time. Make sure it is legible, since these lines will be in the window envelope used to mail your copyright certificate back to you.

***What's Next?***

Congratulations, you have prepared your registration and deposit for the U.S. Copyright Office. Please keep in mind that you may experience a delay of approximately 6 months before you receive your Certificate of Registration in the mail. Since your information will be uploaded into the current registration system, you will no longer receive your “certificate” in the form of a seal/stamp on the Form VA you submitted. Instead, you will receive an application summary certifying that you have completed the registration process. Remember that once you have sent your submission in hard copy format, you may not register it electronically.

## When Does Copyright Expire?

Use these charts to determine whether your images are protected by copyright law and whether you will need permission to make a reproduction for a client. As a rule, images created on or after **March 1, 1989**, require the permission of the artist. However, images first published before **1923** are no longer protected by copyright law.

### Images Marked With a Copyright Notice

Date	Is Permission of the Artist Needed?	Length
<b>Created</b> on/after January 1, 1978	Yes	Life of the artist + 70 years
<b>Published</b> between 1964-1977	Yes	95 years (ex. 1964+95=2059)
<b>Published</b> between 1923-1963	Maybe	<i><b>Permission is needed</b></i> if the copyright was renewed. If so, protection would be 95 years (ex. 1923+95=2018).
<b>Published</b> prior to 1923	No	Image is in the public domain.

### Images Not Marked With a Copyright Notice

Date	Is Permission of the Artist Needed?	Length
<b>Created</b> on/after March 1, 1989	Yes	Life of the artist + 70 years
<b>Created</b> between January 1, 1978 -April 30, 1989	Maybe	Unless the image is registered with the U.S. Copyright Office, chances are it <b>can</b> be copied.
<b>Created</b> prior to January 1, 1978	No	The image can be safely copied.

There are certain exceptions to these rules that affect published images and images created by corporations. For example, images created before 1978 but not published until after 2002 are no longer protected by copyright law (unless the artist died less than 70 years ago). On the other hand, images created before 1978 but published between 1978 and 2002 are protected until 2048 or the life of the photographer plus 70 years (whichever expires last). Lastly, images created by corporations have a copyright term of 95 years from the date of first publication or 120 years from the date of creation (whichever expires first).

## **Copyright Transfers, Licensing Agreements and Model Releases**

As a photographer (or studio), you are the copyright holder to the photographs you have created. While this allows you to determine when, where and how you (and your client) use your images, remember that the client can ultimately determine how you use their likeness.

The following pages will touch upon copyright transfers, by which you grant your exclusive rights as the copyright holder to another party; licensing agreements, through which you can transfer specific rights to another party; and model releases, which will protect your client's right to privacy and clarify how you may use their likeness.

We offer sample copyright transfers, licenses, and a sample model release online at [www.ppa.com](http://www.ppa.com). You can also find copies of these agreements in the appendix.

## **Copyright Transfers and Usage Licenses**

While it has long been a common practice in commercial photography, we are now seeing an increase in the number of portrait and wedding clients asking for copyright releases or usage licenses from their photographers.

As the copyright owner, it is entirely up to you to decide what rights, if any, you wish to transfer or license to the client. However, in response to the number of questions we receive on this issue, here is a look at three of the most common transfers and licenses.

### **Copyright Transfer**

A few photographers sell their clients all rights to the images they create. Most commonly, this is done when there is little chance of obtaining income from reprints, or when the cost in both time and money outweighs the possible benefits of maintaining the copyright.

By transferring the copyright to a client, the photographer is effectively selling all rights to the image. This type of transfer allows your client to use or reproduce images however they like (i.e., they are not required to come to you for any reprints or other reproductions of the images).

Realize, though, that such a transfer means you are waiving all of your rights to the images. Simply stated, if you wish to reproduce the images or to use them for your own business purposes, you must get express written permission from the copyright holder—the client.

An oversimplified example of a transfer could look something like this:

I, (Copyright Holder Name) of (Business Name), (Street Address, City, State and ZIP Code), hereby transfer all rights to these images to (Name of Client). The images are described as (whatever the images were of) and were created (date).

For example:

I, John Smith of Smith Photography, 225 Main Street, MyTown, OH 45045, hereby transfer all rights to these images to Jane Jones. The images are described as portraits of Mary Jones in a fairy costume and setting, and they were created on March 21, 2001.

To view a more inclusive Copyright Transfer Agreement, see Appendix A.

### **Limited Usage Licenses**

Offering your clients a usage license allows you to maintain ownership of your copyright, while granting the client the right to use the images in a specific manner, for a specific purpose, or during a specific time frame. Since you maintain the copyright, a usage license gives you the most flexibility in deciding which rights you are selling to the client.

Usage licenses are particularly useful if a client wants to reproduce the image in a setting or service that you do not currently offer, or a product line that you do not find to be profitable.

An oversimplified example of such a license could look something like this:

I, (Copyright Holder Name) of (Business Name), (Street Address, City, State and ZIP Code) grant a release to (Name of Client) to reproduce these images solely for the purpose of (whatever purpose the license is granted for). All other rights are reserved. The images are described as (whatever the images are of) and were created (Date).

An example:

I, John Smith of Smith Photography, 225 Main Street, MyTown, OH 45045 grant a release to Jane Jones to reproduce these images solely for the purpose of creating a calendar for her personal use. All other rights are reserved. The images are described as portraits of Mary Jones in a fairy costume and setting and were created on March 21, 2001.

To view a more inclusive Limited Licensing Agreement, see Appendix B.

## **Unlimited Usage License**

It is also possible to grant a client an unlimited usage license. This type of license allows the client to use the work in any manner they see fit. However, by retaining the copyright, you are still able to use the images for your own purposes as well.

An oversimplified example could look something like this:

I, (Copyright Holder Name) of (Name of Business), (Street Address, City, State, ZIP Code), grant a non-exclusive license to (Name of Client) to (whatever purpose the license is granted for):  
DESCRIPTION OF WORK.

All other rights, including the right to license the work to third parties are retained by the photographer."

An example:

I, John Smith of Smith Photography, 225 Main Street, MyTown, OH 45045, grant a nonexclusive license to Jane Jones to reproduce, distribute, and publicly display the following works:  
Portraits of Mary Jones in a fairy costume and setting, created on March 21, 2001.

All other rights, including the right to license the work to third parties, are retained by the photographer.

To view a more inclusive Unlimited Licensing Agreement, see Appendix C.

## **A Few Points to Remember**

Copyright is more than just the right to make copies. In addition to the right to reproduce the work, it includes the right to prepare derivative works based on the original, to distribute the work, and to publicly display the work. A license can grant all or some of these rights, and the same rights can be granted to multiple parties.

If you are considering offering transfers or usage licenses to your clients, they should be done in writing. This is both to ensure validity of the agreement and to protect both you and your client from future misunderstandings.

Finally, keep in mind that the rights to an image are valuable property. When licensing or transferring rights to those images, be sure to contemplate the value of what you are selling, and price it appropriately.

## When Do You Need a Model Release?

How many times has it happened? You are putting together your marketing for the next year and find a great image to use in your files— but for some reason, you don't have a model release. "No problem," you think to yourself. "This is a good client. I'll just call her and see if the image is OK to use in my advertising."

Even if she says yes, it may not be enough. In at least 11 different states, an oral model release is invalid. Failure to follow these laws can cost you in the form of civil penalties and even misdemeanor criminal sanctions.

Think it can't happen to you? A member in Ohio, who got explicit oral permission from a client to use an image in a mall display, found himself on the receiving end of an attorney's letter based on this very technicality.

As part of our continuing effort to make sure members have the best possible information— and to keep you from unknowingly being hit with this type of lawsuit— we have reviewed right-to-publicity statutes from across the country. We have found nine states that have laws on the books explicitly requiring a written model release:

1. Illinois: 765 ILCS Ann. 1075
2. Indiana: Indiana Code 32-36
3. Massachusetts: Mass. General Laws 21 4-3a
4. Nevada: N.R.S. 597.720
5. New York:  
N.Y. Civil Rights Law Sections 50 and 51
6. Ohio: O.R.S. 2741.02
7. Rhode Island: RIGL 9-1-28
8. Virginia: Va. Code Ann. 8.01-40
9. Wisconsin: Wis. Stat. 995.50(2)(b)

We also found three other states that explicitly require a written release from the heirs of someone who is deceased. While these states do not explicitly require written permission from living persons in their statutes, it's a good bet that the requirement is implied:

10. California: CA Codes, Civil Codes Section 3341-3341.1
11. Kentucky: Ky. Rev. Stat. 391.170
12. Texas: Texas Property Code 26.002

On the flip side, six states (Florida, Nebraska, Oklahoma, Tennessee, Utah, and Washington) have statutes that appear to allow consent to be obtained orally or in writing. Other states like New Mexico and Arizona require model releases under very narrow circumstances. If this is the case in your state, it is highly likely that obtaining a release is implied no matter what circumstances surround the actual use of the image.

Even if you live in a state that will accept an oral model release as being valid, we recommend that members get a signed model release and keep it on file. Chances are good that you'll never need to show the release to anyone; but if you do end up in court, you will have much better luck defending yourself against allegations of wrongdoing with that written proof of permission. For the most up-to-date information, consult with a local attorney and check out the Legal Resources section at [www.ppa.com](http://www.ppa.com) for the latest version of "States Require Written Model Releases."

## Recommended Reading and Resources

The following listing is a compilation of the resources mentioned throughout the kit, in addition to other helpful websites and books to assist you in navigating copyright law. As always, we encourage you to contact the Copyright & Government Affairs department with any questions or concerns you have about protecting your images.

### **Books**

*Photographer's Legal Guide*, by Carolyn E. Wright

*The Copyright Book*, Fourth Edition, by William S. Strong

*The Legal Guide for the Visual Artist*, by Tad Crawford

*The Professional Photographer's Legal Handbook*, by Nancy E. Wolff

United States Code, Title 17 – Copyrights

*Copyright Basics*, Circular 1 – U.S. Copyright Office

*Work Made For Hire*, Circular 9 – U.S. Copyright Office

### **Websites**

[www.copyright.gov](http://www.copyright.gov) – U.S. Copyright Office

[www.CopyrightDefense.com](http://www.CopyrightDefense.com)

[www.photographerregistry.com](http://www.photographerregistry.com)

[www.house.gov](http://www.house.gov) or [www.senate.gov](http://www.senate.gov) – For latest information on Copyright Legislation

[www.PhotoAttorney.com](http://www.PhotoAttorney.com)

<http://www.csusa.org/face/home.htm> – Friends of Active Copyright Education

[www.stopfakes.gov](http://www.stopfakes.gov) or [www.stopfakes.gov/smallbusiness](http://www.stopfakes.gov/smallbusiness) – Strategy to Target Organized Piracy

### **Organizations**

Professional Photographers of America  
229 Peachtree Street NE, Suite 2200  
Atlanta, Georgia 30303  
Phone: 800-786-6277  
[copyrightdefense@ppa.com](mailto:copyrightdefense@ppa.com)

Copyright Alliance  
1101 16<sup>th</sup> Street NW, Suite 401  
Washington, D.C. 20036  
[www.copyrightalliance.org](http://www.copyrightalliance.org)

The Copyright Society of America  
352 Seventh Avenue, Suite 739  
New York, New York 10001  
[www.csusa.org](http://www.csusa.org)

U.S. Patent and Trademark Office  
Alexandria, Virginia (Mailing address varies)  
Phone: 800-786-9199, dial 1 for trademarks  
[www.uspto.gov](http://www.uspto.gov)

## Appendix

The sample contracts included in this appendix are available for download from the both the Copyright Resources page and the Resources page (Contracts and Forms category) of [www.ppa.com](http://www.ppa.com).

Sample Copyright Transfer.....	A
Sample Limited License.....	B
Sample Unlimited License .....	C
Sample Model Release.....	D
Sample DMCA Take-Down Letter.....	E
Step-by-Step eCO and Form CO.....	F

We encourage you to register your images using eCO or Form CO, as they are more efficient forms of copyright registration. Should you wish to register your images using Form VA, please check [www.copyright.gov](http://www.copyright.gov) or call the U.S. Copyright Office at (202) 707- 3000 to request the most current version of this paper-based form.

**-APPENDIX A-**

**Copyright Transfer**

This Assignment of Copyright is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ between \_\_\_\_\_ *(photographer name)* of \_\_\_\_\_ *(studio name)* and \_\_\_\_\_ *(client name)*.

Whereas, \_\_\_\_\_ (photographer or Studio Name) is the author and creator of the following work(s):

*(Description or Title of Work)*

The author assigns all copyrights for the aforementioned work to \_\_\_\_\_ *(client name)* and his or her heirs. **(Optional: Simultaneous to the execution of this agreement, the assignee grants the assignor an unlimited right to use the work for self-promotional purposes.)**

In witness thereof, the parties execute this agreement.

\_\_\_\_\_ (Assignor)

*Photographer*  
*Studio Name*  
*Studio Address*  
*City, State Zip Code*  
*Phone Number*

\_\_\_\_\_ (Assignee)

*Client*  
*Business Name*  
*Client Address*  
*City, State Zip Code*  
*Phone Number*

These forms are provided to members as a guide. It is the responsibility of the member to ensure the agreement meets the requirements of their state's laws to be considered a legally binding contract.

**-APPENDIX B-**

**Limited Copyright License Agreement**

This License Agreement is made this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ between \_\_\_\_\_ (*photographer name*) of \_\_\_\_\_ (*studio name*), hereinafter referred to as Licensor, and \_\_\_\_\_ (*client name*) hereinafter referred to as Licensee.

Whereas, Licensor and Licensee hereby agree to the following:

Licensee is granted a license for the following use:

1. The image(s) subject to this agreement are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Use of the above mentioned images is limited to the following: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Licensor and Licensee agree to the following additional terms:

Licensor retains all copyright and moral rights to each image. Licensor also retains all rights not expressed in the agreement, including advertising rights.

Licensee may not transfer this license to other parties without written permission from Licensor.

Licensee agrees that altering images is prohibited without first receiving written permission from Licensor.

In witness thereof, the parties execute this agreement.

\_\_\_\_\_ (Licensor)

Photographer  
Studio Name  
Studio Address  
City, State Zip Code  
Phone Number

\_\_\_\_\_ (Licensee)

Client  
Business Name  
Client Address  
City, State Zip Code  
Phone Number

These forms are provided to members as a guide. It is the responsibility of the member to ensure the agreement meets the requirements of their state's laws to be considered a legally binding contract.

**-APPENDIX C-**

**Unlimited Copyright License Agreement**

This License Agreement is made this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ between \_\_\_\_\_ (*photographer name*) of \_\_\_\_\_ (*studio name*), hereinafter referred to as Licensor, and \_\_\_\_\_ (*client name*) hereinafter referred to as Licensee.

Whereas Licensor and Licensee hereby agree to the following:

Licensee is hereby granted a license to reproduce, distribute and publicly display the following works:

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Licensor and Licensee agree to the following additional terms:

1. Licensor retains all copyright and moral rights to each image. Licensor also retains all rights not expressly granted in this agreement, including its right to use images for promotional and advertising purposes unless stated otherwise below.
  
2. Licensee's license to reproduce, distribute, or publicly display these works does not include the ability to license the images to third parties.
  
3. This license is non-transferable.
  
4. Licensee agrees that altering images without obtaining written permission from Licensor is prohibited.

In witness thereof, the parties execute this agreement.

\_\_\_\_\_  
Photographer  
Studio Name  
Studio Address  
City, State Zip Code  
Phone Number

\_\_\_\_\_  
Client  
Business Name  
Client Address  
City, State Zip Code  
Phone Number

These forms are provided to members as a guide. It is the responsibility of the member to ensure the agreement meets the requirements of their state's laws to be considered a legally binding contract.

**-APPENDIX D-**

**Model Release**

I, \_\_\_\_\_ (**print name of person giving the release**) for good and valuable consideration, the receipt of which is hereby acknowledged, hereby irrevocably authorize \_\_\_\_\_ (**name of photographer or studio including location**) to use photographs of me and/or my property and authorize him/her/their and his/her/their assignees, licensees, legal representatives and transferees to use and publish (with or without my name, company name, or with a fictitious name) photographs, pictures, portraits or images herein described in any and all forms and media and in all manners, including composite images or distorted representations, and for the purposes of publicity, illustration, commercial art, advertising, publishing (including publishing in electronic form on CDs or internet websites), for any product or services, or other lawful uses as may be determined by the photographer or studio named here. I further waive any and all rights to review or approve any uses of the images, any written copy or finished product. I **am of full legal age and** (*delete the bold copy if this is for a minor*) have read and fully understand the terms of this release.

*Description of images*

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Signed \_\_\_\_\_ Witness \_\_\_\_\_ Date \_\_\_\_\_

I am the parent or legal guardian of the above mentioned minor and have the legal right and authority to execute the above release on behalf of the minor.

Signed \_\_\_\_\_ Witness \_\_\_\_\_ Date \_\_\_\_\_

These forms are provided to members as a guide. It is the responsibility of the member to ensure the agreement meets the requirements of their state's laws to be considered a legally binding contract.

## **-APPENDIX E-**

### **Sample DMCA Letter**

*This letter uses a provision in the copyright law that gives a website or service provider the choice of removing copyrighted material or leaving the material up, but losing their immunity to a copyright lawsuit in regard to the posting. Many online services have specific e-mail addresses for these kinds of requests—check the hosting company’s terms of use.*

*To the best of our knowledge, the sample letter below meets the technical requirements of the law. This letter can be e-mailed, faxed or mailed.*

Dear (SERVICE PROVIDER):

I am a professional photographer and the author of the photograph picturing (subject matter), which as of (date) was posted on the website (URL). As the copyright owner, I assure you that I did not give permission for this photograph to be posted on the webpage described. Pursuant to the provisions of the Digital Millennium Copyright Act of 1998, 17 U.S.C. §512(c), please consider this letter actual notice via written notification that this infringing material is being stored and/or resides on a system controlled by you. I hereby request that you act expeditiously to remove or disable access to the photograph described.

As the owner of the copyright in this photograph, I have a good faith belief that the use of the photograph at (URL) is not authorized by me or by any provision of the law. I also declare, under penalty of perjury, that I am the copyright owner and the information in this notification is accurate to the best of my knowledge.

If you have any questions, you may contact me at (address, phone number) or by e-mail (e-mail address).

Sincerely,

(Signature)

(NAME)

(STUDIO NAME)

## -APPENDIX F-

### **Step-by-Step Guide to Completing eCO and Form CO Registration Applications**

The Copyright Office has made a PowerPoint tutorial to guide you through the eCO registration process, along with written instructions for Form CO; however, we have put together this photographer-oriented walk-through that covers the information requested on each application. To access the instructions made available by the U.S. Copyright Office, visit [www.copyright.gov](http://www.copyright.gov).

#### **SECTION 1- Work Being Registered**

This section focuses on the photograph(s) that you are registering. You will be asked for information concerning the type of work being registered (*Visual Arts*), its title or any previous or alternate titles (space for up to 50), and publication information, as well as completion and publication dates.

- A. Type of work being registered: Whether you are registering a single photograph or an entire album, select “Visual arts work.”
- B. Title of this work: Insert the title of the work or group of work being registered. Be sure you list only one title per box. If you need to include additional titles—you can add up to 50—click on the “additional title” button. If the group of photographs you are registering contains more than 50 titles, you will need to register your work using the eCO system.
- C. Serial Issue: You only need to complete these fields if your work is or was published as a serial. The Copyright Office defines serials as periodicals, newspapers, magazines, bulletins, newsletters, and other items issued in parts identified by number and/or date, or that will continue regularly scheduled publication indefinitely.
- D. Previous/Alternate title: Complete this field only if the photograph(s) you are registering can be identified using another name not listed in “B.”
- E. Year of Completion: This refers to the date of creation or completion of the group, compilation, or derivative being registered. For a single image, it could be the date it was delivered to a client or the date the photograph was captured. For an album or CD/DVD of digital files, it would be the date this work was completed. If you are registering published photographs, this date cannot occur any later than one year after first publication. Note that you only need to provide the YEAR.
- F. Date of Publication: Skip this field if you are registering unpublished works. For published works, provide the date of first publication.
- G. ISBN: Skip this field unless you are registering a published work containing an International Standard Book Number (ISBN) code. Please know that the Copyright Office does not assign ISBN codes. If you are registering an item with an ISBN code, talk to your publishing house or contact R.R. Bowker at <http://www.isbn.org> or [www.bowker.com](http://www.bowker.com) for more information.

H. Nation of Publication: Skip this field if you are registering unpublished works. If published, select “United States” if:

1. The work was first published in the U.S.
2. The work was published abroad and in the U.S. simultaneously.
3. The work was published abroad and in the U.S. within 30 days of initial publication. Check Circular 38a, *International Copyright Relations of the United States*, to verify that country in which the works were published has signed the Berne Copyright Convention.

If you do not meet the above criteria, you will need to select “Other” and type in the name of the country.

I-J. Published as a contribution in a larger work: Skip this field unless the photograph(s) that you are registering have been published as part of a larger work. Complete “J” only if the larger work named in “I” is a serial. For example, if your photograph was printed in *Professional Photographer* magazine, you would indicate the magazine name in field “I” and provide information on the issue in field “J.”

K. If work was pre-registered: Skip this field unless the photograph(s) being registered on this form were pre-registered with the U.S. Copyright Office.

## **SECTION 2- Author Information**

This section focuses on the author (or in this case, photographer) who created the work. You will be asked for information directly related to the photographer and circumstances under which the work was created and/or published. You can only include information on one author per section, but you can click on the “add author button” to provide information on each contributor. (Note: Form CO contains space for only a single author’s name.)

A-B. Personal name (a) / Organization (b): Complete either field “A” or “B.” In space “A,” give either the full name of the person who created the photograph(s) or “anonymous” if you intend to register the work anonymously or pseudonymously. In the case of a “work made for hire,” the company/studio name for which the work was created belongs in space “B.”

C. Doing business as: Complete this field to indicate the name under which the creator does business. This field may be completed regardless of whether information is entered into field “A” or “B” in this section.

D. Year of birth: Give the year in which the creator was born. The information entered in this blank will become part of the public records in the online searchable database made available by the Copyright Office.

E. Year of death: Skip this field unless the creator of this work is deceased at the time of registration.

F. Citizenship/Domicile: Complete this field to indicate the creator’s nationality and country of residence.

G. Author's contribution: Skip this section unless the photograph(s) were created as:

1. Work(s)-for-hire – prepared during the course of your employment.
2. Anonymously – no natural person named as the creator of the work. If you check this box, you must ensure that you have correctly completed space “A” by including “anonymous” or the full name of the creator (which will become public record).
3. Pseudonymously – the name on the work is fictitious. If you check this box, you must ensure that you have correctly completed space “A” by including “pseudonymous” or the full name of the creator (which will become public record).

If you complete this section, you may only select one check box.

H. This author created: Complete this section by selecting the creative input provided by the author (photographer) referred to in this section. If more than one author was involved in the creation of the photograph(s) being registered, ensure that you click the “additional author” button to complete a supplemental Section 2.

### **SECTION 3 – Copyright Claimant Information**

This section focuses on the person or organization claiming copyrights to the photograph(s) being registered. In most instances, this will be the same person(s) or organization indicated in Section 2 unless the copyrights have been transferred to another person or organization. Just like the previous two sections, you can only include information on one claimant, but you can click on the “add claimant button” to provide information if the copyrights are shared.

- A-B. Personal name (a) / Organization (b): Complete either field “A” or “B,” not both. Field “A” allows you to designate an individual as the copyright owner, while field “B” allows a corporation or organization to be designated as the copyright owner.
- C. Doing business as: Complete this field to indicate the name under which the copyright claimant (typically, the photographer) does business. This field may be completed regardless of whether information is entered into space “A” or “B” in this section.
- D. Contact Information: Enter the physical address, e-mail address, and phone number for the person or firm referred to in this section. The information entered in this blank will become part of the public records in the online searchable database made available by the Copyright Office.
- E. If claimant is not an author: If the person or firm referred to in this Section is not the same person or firm listed in Section 2, mark either “written agreement,” “will or inheritance,” or “other” (selecting other requires that you give a brief explanation of how copyrights were transferred).

#### **SECTION 4– *Limitation of Copyright Claim***

This section must be completed only if the work(s) being registered is based on work(s) that were previously registered, previously published, in the public domain, or work(s) to which you do not own rights. If the work being registered is original (new), skip to Section 5.

- A. Material excluded from this claim: Complete this section by indicating any part of the work being registered that, as indicated above, was previously registered, previously published, in the public domain, or work(s) to which you do not own rights. If you previously registered the work as “unpublished” and are now registering the work as “published” (the work must be identical to the unpublished version), select “other,” citing “First publication of work registered as unpublished,” and do not complete field “C.”
- B. Previous Registration: Enter the registration number and year as recorded by the Copyright Office for the last two times the work was registered.
- C. New material included in this claim: Complete this section by indicating the new material contained in photograph(s) being registered. Select the type of material by marking the correct box and entering a description of the new component. Remember, you may skip this part if you indicated the photograph(s) being registered are “published” versions of one(s) previously registered as “unpublished.”

#### **SECTION 5– *Rights and Permissions Contact***

This section must be completed and will be published as public record in the Copyright Office online searchable database. You can elect to mark the box to indicate that the “first claimant” from Section 3 should be contacted by people or organizations seeking copyright permission, or provide new contact information for the person or organization who should be contacted with such inquiries.

#### **SECTION 6– *Correspondence Contact***

This section must be completed so that the Copyright Office may contact you concerning questions that arise based on the information contained in the application. You can opt to have the Copyright Office correspond with:

1. The “first claimant” from Section 3; or
2. The “rights and permissions” contact from Section 5.

If neither option applies, provide new contact information for the person or organization to which the certificate should be sent. No part of this section will be made public record.

## **SECTION 7– Mail Certificate to**

This section must be completed to receive a copy of your Certificate of Registration. You can elect to mark one of the boxes to have the certificate sent to:

1. The “first claimant” from Section 3;
2. The “rights and permissions” contact from Section 5; or
3. The “correspondence” contact from Section 6.

If none of these options apply, provide new contact information for the person or organization to which the certificate should be sent. No part of this section will be made public record.

## **SECTION 8– Certification**

This is the last section and only appears on Form CO. It provides you the opportunity to certify that all information you have provided is true and accurate and, of course, indicate how you will pay the application fee.

- A. Handwritten signature: Although you must complete the registration form in your Web browser, your handwritten signature is required to validate the form. (Note: When using Form CO, ensure that you have carefully reviewed Section 1-7 and have finished typing information into each field in this section as appropriate before printing.)
- B. Printed name: Type in the name of the person signing the application.
- C. Date signed: This space should automatically fill itself in with the date you accessed the form. If you plan on saving or signing it at a later time, ensure that you have selected “write date by hand” before printing to disable the auto-fill function.
- D. Deposit Account: Complete this section by providing the Copyright Office deposit account number and the name of the deposit account holder if you wish to have the application fee debited from an existing account. Leave blank if you do not have a deposit account or wish to pay by check.
- E. Tracking number: Complete this section only if you have your own tracking number/system by which you monitor your registration applications, otherwise leave it blank.