

# COPYRIGHT!

- for digital photographers -

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***copyrightlaws.com***

# Automatic Protection

- Press shutter = copyright-protected work
- Copyright automatically exists when a work is in some sort of “fixed” form

# Copyright Notice

- Not mandatory
- Highly recommended
- © Lesley Ellen Harris 2009
  - Place where most visible
  - Include email/tel.
  - Hyperlink if online image

# Registration

- Not mandatory
- Establishes a public record of copyright
- Necessary before filing infringement suit
- Registrant presumed owner
- Registrant entitled to greater damages and attorney's fees

# Worldwide Protection

- Once you have protection in the U.S., you are protected in 164 countries
- Thanks to the Berne Convention
  - [www.wipo.org](http://www.wipo.org)

# Ownership

- You - the photographer!
- Exception: Work for hire
- Owner of image  $\neq$  owner of copyright

# Work for Hire

- Covers employed photographers
- And certain freelance photographers if a
  - Contribution to a collective work, a part of a film, a translation, a supplementary work, a compilation, an instructional text, a test, an atlas
  - Parties must agree in writing that the work shall be considered a work made for hire
- Employer/commissioner = author and owner

# Photographer rights

- All rights!
- Publish, distribute, print, adapt, digitize, post online and more
- Only you can authorize others to use your images
- Always authorize in writing



# Licenses and Assignments

- Only photographer can provide permissions to use his images
- License v. assignment
- General rule: do not assignment rights unless \$\$\$
- You set your fee in licenses

# Duration of Protection

- Life + 70 of photographer
- Work for hire: 95 years from publication or 120 years from creation, whichever is shorter

# Monitoring your images

- Google image searches
- Watermarking
- Low resolution

# Unauthorized Uses

- If someone is using your image with permission:
  - Send an invoice
  - Email, telephone, write a letter
  - Be civil
  - Institute a small claims court action
  - Engage a lawyer

# Standard Practices

- Know your rights
- Use a copyright notice
- Register images
- Monitor online uses of images
- Do not assign rights
- Know when you are work for hire
- Use written permissions/licenses
- Have your own standard letter of agreement

# Copyright Information

- <http://www.copyright.gov/circs/circ1.pdf>
- [www.copyrightanswers.blogspot.com](http://www.copyrightanswers.blogspot.com)

# Questions?

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