

5 Things You Didn't Know

ABOUT PHOTO COPYRIGHTS



FREE FOR THE TAKING: We didn't pay, or even ask permission, to use this copyrighted photo by Patrick Doheny(CK). He put it online under a Creative Commons license, one way photographers can have their work seen widely before they're well known.

same protection, so apply it only after you've registered copyright. For more information, visit creativecommons.org.

1 COPYRIGHT EXISTS from the moment you create your work and fix it in tangible form. But while you don't have to, registering your photos with the U.S. Copyright Office gives you the full protection of the law.

According to Michelle Bogre, an attorney and associate professor of photography at Parsons the New School for Design, if you register before your copyright is infringed (or within 90 days of publication), you can sue for statutory damages (\$750 to \$150,000) and legal fees. Didn't register? You can only claim what your work might have sold for, which is hard to prove, Bogre warns.

2 Registering isn't hard. Go to the U.S. Copyright Office's website (www.copyright.gov), where you can register online or download an application, and submit your work. It costs \$35 online, or \$50–\$65 through the mail.

On a single application, you can register a year's worth of unpublished work as a collection, so you only have to pay the fee once for a big batch of photos. (Already published? Your photos are a collection only if they were originally published that way.)

It takes between 2 and 6 months to get your certificate of registration—unless you pay \$760 to expedite.

3 You can permit broad usage without losing copyright. Applying a Creative Commons (CC) license lets you share photos on the web for more exposure, while specifying clearly how they can be used. You keep your copyright, but others can copy and distribute your work, provided they give you credit—and only under the terms you set (such as prohibiting commercial use).

A CC license doesn't give you the

4 Some unauthorized use doesn't violate your copyright. Before you cry foul, make sure it wasn't allowed under the fair-use doctrine or an implied contract, such as the rules you agree to by submitting your photo to a contest.

Copyrighted images can be used without permission or payment "for purposes such as criticism, comment, news reporting, teaching, scholarship, or research," according to *The Law (in plain English) for Photographers* by attorney Leonard D. Duboff (Allworth Press, 2002; \$20). Exceptions have also been made for parodies and library use. Unsure? Contact a copyright lawyer.

Many photo contests (ours included) have rules that allow the sponsor to use entries for promotional and other purposes. You retain copyright, and the sponsor must give you credit, but you may not get paid.

Shot a photo for your employer, or under a work-for-hire contract? Your employer owns the copyright.

5 Copyright doesn't last forever. Photos taken after January 1, 1978 (when the current law went into effect) are protected for 70 years after your death (ownership goes to your heirs).