



# **COPYRIGHT FOR PHOTOGRAPHERS**

## **Why Copyright Matters & How to Protect Your Images**

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# COPYRIGHT 101 FOR PHOTOGRAPHERS

## Why Copyright Matters & How to Protect Your Images



Without question, the photography profession has changed dramatically in the past fifteen years. Advances in photographic and printing equipment and changes in basic office operations due to better technology have revolutionized how photographers operate artistically and professionally. Complicating matters is the fact that almost any member of the general public can copy an image and display it globally in a matter of seconds.

So, how can you as a professional photographer protect your images? How do you educate yourself, your clients and prospects without offending them? And what do you do if you need help putting a stop to copyright infringement? Don't worry, Professional Photographers of America (PPA) is here to help you.

PPA provides a Copyright Kit, a step-by-step guide that shows photographers how to be more protected when it comes to their business, but also for their most precious commodity, their images. PPA photographers get access to this Copyright Kit for FREE, but they also they get access to PPA's resource center, webinars and a whole lot of sample forms, contracts and releases.

To help you better understand copyright, let's take a look at some of the most frequently asked copyright questions from PPA photographers.

## What Is Copyright?

A copyright gives its owner the right to copy, distribute, publicly display or create derivative works from an original work. A copyright also gives its owner the right to license those rights to others. As soon as you push the shutter release on your camera, you possess the copyright to the photograph you created. You own the image and control the reproduction and its' public display. But, to get "full" copyright protection, you'll need to register your work with the U.S. Copyright Office (read on for more on copyright registration).

The same law that protects photography also protects music, motion pictures, magazines, books, choreography, sculptures and more. The current copyright term is the life of the creator plus 70 years or, for works "created" by a corporation, either 95 years after publication or 120 years after creation—whichever comes first.

**Did you know?**  
More than 3,000  
people call PPA each  
year, trying to find the  
copyright owner of  
a photo or group of  
photos.

## How Do I Protect My Images?

Unlike the public of twenty years ago, consumers now have easy and inexpensive access to quality printers and scanners. They routinely post and repost photographs on social media. Maintaining your livelihood depends on protecting your images. Here are some proactive steps you can take to protect your images and business.

### 1 Mark your images.

The first step in protecting the copyright of an image is to mark it. Marking puts viewers on notice that they should not copy or scan the image without your permission and it also communicates who the copyright owner is and how to contact them. Here's an example:

©2014 Jane Doe Photography  
Illegal to copy or scan without permission.  
Hometown, USA 123.456.7899

PPA photographers can also list their membership number and PPA's toll-free Customer Service number (800.786.6277) instead of their own telephone number. By using the PPA phone line, we will connect you with consumers who inquire about your work.

You can also mark your images with visible or invisible watermarks, special finishes on prints, or digital fingerprints on electronic files. Detailed information on marking images is outlined in the full Copyright Kit available to PPA members.

## 2 Educate the public and your clients.

Go beyond saying your “photography is protected by federal law”. Your clients may know that it’s illegal to make copies of their portraits at a local copy center, but they may think it’s okay to put them on their home scanner and post online. Help your clients and the general public gain a better understanding of the importance of copyrights:

- Place brochures regarding copyrights in your studio. PPA photographers can tap into their resource library, download FREE brochures, and print them out.
- Add a line clearly mentioning copyright in your sales agreements or contracts (e.g.: “All photography by ABC Studio is protected from copying, scanning, reproduction, enhancement or manipulation by federal law.”) Several examples and samples are available online to PPA photographers.
- Discuss copyright with your client during the consultation. Explain what they may do and what they may not do with the products they purchase.
- Include a copyright insert with every order (print or digital formats alike). PPA photographers get two free packs of printed inserts (50/pack) each year and can purchase or download more if needed.

People don't know what they don't know. Especially when it comes to copyright.

## 3 Register your images.

When your work is created, it is copyrighted. In the U.S. however, in order to legally enforce your copyrights, the images must be registered with the U.S. copyright office.

The copyright that exists on your image from the moment of creation provides you with very few tools for enforcing your rights. In a legal action, the most you could recover for a work not previously registered would be the fee you would have charged, plus any money that you can prove the infringer made based on their illegal reproduction. On the other hand, if you register your work with the U.S. Copyright Office within three months of your first publication of the work, you have more powerful weapons for enforcing your rights: statutory damages and attorney fees.

Put the odds on your side and register your images with the U.S. Copyright Office.

## 4 Make changes in how your business operates.

Take a step back and look at your entire operation, not only to protect your copyrights but also to increase your sales. Business practices should be reviewed regularly, especially in a field like photography where dramatic changes can occur rapidly.

Choose a business model that helps YOU be more profitable.

Many photographers now do not allow previews or proofs outside of their studio, preventing a client from copying those images. You can post previews on a website, possibly password protected, where images can be viewed and where there’s little danger of copying since a low-res file will not yield a good print. Many photographers also now sell packages (especially with events such as weddings) rather than rely on reprint orders. Some photographers even offer negatives or digital files to their clients as part of some of their packages. Of course, how your business operates will be different than another photographer, and your business decisions need to be based on what works best for you.

To learn more on your business operation options, check out PPA’s Education and Business Consulting department. It helps photographers realize the full potential of their business.

**5 List your contact information in the Picture Licensing Universal System.**

List and maintain your contact information at [PlusRegistry.com](http://PlusRegistry.com). The PLUS Registry is free and allows you to add a listing so as to help track your copyrights. It operates on a co-op model, funded by optional contributions from supporting members.

**6 Learn about licensing your images.**

As the owner of the copyright of your photographs, you may transfer some or all of the rights of an image to another person or an entity. A transfer may give a partial or full license to the material for a certain period of time or for the duration of the copyright. If you decide to transfer the entire copyright to your client, you are waiving all rights to the image involved. A limited usage license might permit a client to use the photograph in a specific way for a specified period of time. An unlimited usage license would give the client the right to use the image in any manner he chooses, but you would retain the copyright so that you may also use the image as you choose. For samples and examples of licensing agreements, visit the copyright section of PPA's Benefits page at [PPA.com/Copyright](http://PPA.com/Copyright).

**Be more protected:  
you never know  
what tomorrow  
is about.**



You should always obtain written model releases when you take photographs of people, so that you may use the image in advertising and displays without fear of retribution for violating the subject's rights. Not all states have laws requiring written, rather than simply oral, permission from models. However, it is a good idea to get one in every case and keep it on file. You will probably never need it. If you do wind up in a dispute, though, you will have written proof that you had the model's permission to use his/her image. PPA provides members with a sample model release form that's easy to use.

**7 Keep abreast of developments in copyright law and policy-making.**

Stay informed on changes in the law and how it's applied by regularly checking the U.S. Copyright Office website and periodically conducting Internet searches regarding copyright law. Updates on copyright laws and court cases are also regularly posted on [ppa.com](http://ppa.com). PPA's full-time lobbyists advocate for better and more comprehensive copyright protection, covering photographers' interests in Washington, D.C.

**8 Sign up for the Grassroots Action Team.**

Head over to [PPA.com/Grassroots](http://PPA.com/Grassroots) and add your name to our list of artists and friends who want a small claims process for copyright enforcement. By signing up, you will receive news on the latest from Capitol Hill and requests for action when it is time to contact your congressmen. Together, we can create a positive change for copyright owners across America.

## What Do You Do If Someone Infringes on Your Copyright?

The suggestions above will go a long way toward protecting your property interest in your images, but they may not go far enough.

If you find that a client, or large corporation, has infringed on your copyright, you have several options:

- Speak to the infringer. This option works best if the infringer is someone you know, and you believe the infringement was unintentional or the result of ignorance.
- Write a cease-and-desist letter or ask your attorney to write one. If you have registered your copyright, mention in the letter that the penalties may be up to \$30,000 per infraction as well as attorneys' fees. Many retailers or corporations would rather settle at this point than go through a lengthy lawsuit.
- File a lawsuit. If all else fails, you can bring suit. Remember, though, you will not be entitled to statutory damages or the recovery of costs and fees unless you previously registered your copyright.
- PPA members should access PPA's copyright infringement assistance tool at [PPA.com/Copyright](https://www.ppa.com/Copyright).



For the latest  
information regarding  
copyright laws  
and procedures, visit  
[PPA.com/Copyright](https://www.ppa.com/Copyright)

### About PPA:

Professional Photographers of America (PPA) is the largest international nonprofit association created by professional photographers, for professional photographers. Almost as long-lived as photography itself, PPA's roots date back to 1869. It assists more than 30,000 photographers in 60+ countries through protection, education and resources for their continued success. If you are a photographer, see how PPA can help you get to the next level and be more at [PPA.com](https://www.ppa.com).