

**How to Register the Copyrights for Your Photographs**  
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It's easier than ever for someone to steal your photographs in this digital age. While the copyrights for your photographs are created at the click of the shutter, the best way to protect your photographs is to register them with the U.S. Copyright Office. You can register the images yourself, but mistakes in the process can limit your rights.

While the Copyright Office provides instructions to help you prepare the forms and gives information about copyright law on its website, the registration process can be daunting. The forms include lots of options, complex legal terms, and a variety of requirements. However, if you are like the vast majority of photographers with no special circumstances, the process to register your photographs is fairly straightforward.

If you agree with the following conditions, then this document can help you register the copyrights for your photographs:

- The photos were taken by you, the photographer registering them
- The photos were not taken under a "work for hire" scenario (see definition of "work for hire" below)
- You are a citizen of the United States
- You have not previously registered the photographs
- The photographs being registered are not collective or derivative works (see definitions below)
- You do not have a "deposit account" with the U.S. Copyright Office (if you had one, you would know it; if you don't, then ignore this)
- If you are registering "published" photographs, they were published in the United States after March 1, 1989 (see "publication" definition below)

If you disagree with any of the above statements, if you have any other unusual circumstances or issues, or for the utmost protection, seek legal counsel to register your copyrights. If you agree with all of the conditions, then follow the steps listed below to get you on your way to protecting your photographs.

Note: If you are registering a considerable number of published images, Form VA (as opposed to Short Form VA referenced here) may better fulfill your registration and legal needs.

### **Definitions**

Following are definitions for some terms used when registering copyrights:

Best edition of published works – For our purposes, this refers to the best copy of your published photograph. Generally, when more than one version is available, the best edition is: larger rather than smaller; color rather than black and white; and printed on archival-quality rather than less permanent paper. For example, if your photo is published in an advertisement that is printed in a magazine and is posted on the web, then a page from the magazine showing your ad is the "best edition" (also known as a "tear sheet"). If you post your photograph on your website and display a print of it for sale in a gallery, then the best edition is a digital file because that is the Copyright Office's preferred version for filing.

Compilation or Collective Works – when your photo is combined with other photos, text, illustrations, etc., to create a new copyright, such as a book, magazine or montage.

Complete Copy - For unpublished works, it is a copy that represents the complete copyrightable content of the work being registered, such as the entire photograph. For published works, it contains all elements of the publication, such as the entire photograph, the article with photographs, or the entire magazine, depending on the circumstances.

**Derivative Work** - A work that is based on one or more earlier works. Derivative works include editorial revisions, annotations or other modifications. The work must be different enough from the original to be regarded as a new work – in other words, it must contain some substantial, not merely trivial, originality. The threshold for originality in a derivative work is higher than that required for the original work.

**Publication** – The distribution of copies of a photograph to the public by sale or other transfer of ownership, or by rental, lease, or lending; a work also is published if there has been an offering to distribute copies to a group of persons for purposes of further distribution or public display. Displaying a work, without doing anything else, does not constitute publication.

The courts have not yet addressed the issue of whether posting your images on the web constitutes publication for copyright issues. It most likely is dependent on how and where it is posted. If you put your photo on a website with any implication of selling/distributing it, then it would most likely be deemed published. Posting on a forum such as NatureScapes.Net for critique probably doesn't meet that threshold. Since members have discussed the possibility of selling images from the NatureScapes.Net Portfolios, posting images there probably would be considered publication.

If you display your photos in a gallery or office but do not offer them for sale or lease, they probably would not be deemed published regardless of how many people view them.

**Work for Hire** - This relationship is created in two situations: (1) when the photographer is an employee hired to photograph for the employer, such as a photojournalist who is an employee of a newspaper; or (2) the photographer is hired to photograph pursuant to a contract, and the contract specifically includes the provision that the copyrights to the images that are shot for the contractor belong to the contractor.

## **Registration – Short Form VA**

1. Prepare Short Form VA. You can download a copy of it from the U.S. Copyright Office at <http://www.copyright.gov/forms/formvas.pdf>.
  - a. Use a black pen or type your information on the registration form.
  - b. Section 1
    - i. Under "Title of This Work," create a descriptive title to reference the photograph(s) you are registering, such as "Alaska Trip 2005," or "All Published Photographs of Carolyn E. Wright in 2004."
    - ii. For unpublished photographs, it's your decision how to group your photos. Just make it logical so that you can keep up with what you've registered.
    - iii. Published photographs may be registered as one group if they were published in the same calendar year and were made by the same photographer. It's your decision if you want to register them in groups smaller than those published in one calendar year.
  - c. Section 2
    - i. Under "Name and Address . . ." put your name and address.
    - ii. Include your nationality - "United States."
    - iii. Your email, fax number and phone number are optional but are good to include so that you can be contacted quickly if the Copyright Office has a question about your registration.
  - d. Section 3
    - i. For "Year of Creation," if registering a group of photographs, put the year that you took the most recent photograph.
  - e. Section 4
    - i. If you are registering published works, under "Date and Nation of First Publication of This Particular Work," put the date or date range of when the photographs in the group were published (such as March 12, 2005, or a range such as January – December 2005) and put "United States" for nation.
    - ii. Leave this section blank if you are registering unpublished works.
  - f. Section 5
    - i. For "Type of Authorship," check "Photograph."
  - g. Section 6
    - i. Check "Author" block and sign your name.
  - h. Section 7
    - i. Allows someone to contact you about your work.
    - ii. This section is optional.
    - iii. If you select this option, check the box to indicate that the contact information is the same as that in Section 2.
  - i. Section 8
    - i. Put your name and address where you want the certificate mailed in the box.
  - j. Section 9
    - i. Ignore this section.
2. Prepare your photographs for deposit with the US Copyright Office.
  - a. When registering unpublished photographs, send one copy of each photograph with the application.

- b. When registering published photographs, send two copies of the best edition of each photograph with the application.
  - c. The copies will not be returned.
  - d. You can send copies of the photos in the following formats (listed in the order of the Library of Congress' preference):
    - i. Digital form on one or more CD-ROMs including CD-RWs and DVD-ROMs in one of these formats: jpeg, gif, tiff or pcd (no minimum or maximum size of file is required; a thumbnail that clearly depicts the photograph, such as 100 pixels in height or width, should be sufficient).
    - ii. Unmounted prints at least 3 x 3 inches in size, but no larger than 20 x 24 inches.
    - iii. Contact sheets.
    - iv. Duplicate slides, each with a single image.
    - v. A photocopy of each unmounted print at least 3 x 3 inches in size, but no larger than 20 x 24 inches.
    - vi. Slides, each containing a photograph of up to 36 images.
    - vii. A videotape clearly depicting each photograph.
3. Make a copy of all of your materials.
  4. Send your materials in one package to:
    - a. Library of Congress  
Copyright Office  
101 Independence Avenue, S.E.  
Washington, D.C. 20559-6000
    - b. Include:
      - i. Completed Short Form VA.
      - ii. Copies of your photographs prepared according to Section 2 above.
      - iii. Check or money order made payable to the Register of Copyrights for the registration fee, which currently is \$30 per application.
    - c. The suggested mailing method is via certified mail with a return receipt requested.
      - i. Verified mailing service is not required.
      - ii. It can take months to receive the certificate of registration. Since the registration is effective on the date it is received by the Copyright Office, you can better protect your rights if you can document the date your package is delivered.
    - d. The suggested packaging to protect your items is a box not larger than 4" x 14" x 18."

Congratulations! You just completed a major step towards protecting your work!



Carolyn E. Wright is a licensed attorney dedicated to the legal needs for photographers. Get the latest in legal information at Carolyn's website, [www.photoattorney.com](http://www.photoattorney.com). These and other legal tips for photographers are available in Carolyn's new book, "Photographer's Legal Guide." Go to [www.photoattorney.com/products.html](http://www.photoattorney.com/products.html) for more information.

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