

Copyright info for Visual Artists

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Copyright presentation at Photoshop World Las Vegas
Presenter Jack Rezniki*

Article 1 section 8 of US Constitution, clause 8. “the congress shall have the power... to promote the progress of science the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries”

What is a copyright? We own our work and protected against.

- Reproduction
- Derivatives
- Performance
- Display

Don't sell your work, license it, this way you can “license” it again at some future time.

- One time use
- 1st NA serial rights
- limited use

Urban Myths and Legends regarding Copyright.

1. If I change x% of the work, then I'm ok.
2. If I don't change anything, then I'm ok.
3. If I am using it for non-profit educational purposes, it's ok.
4. If I include the creator's Copyright notice, it's ok.
5. If I take it down when the copyright holder objects, it's ok.
6. If I asked for permission and didn't get a response, it's ok.
7. If I can't find the copyright holder, then it's ok.
8. If a work does not have a copyright notice, it's ok.
9. If it's posted on the internet, it's public domain, it's ok.

The answer to all of these myths is NO!

Why register your work

- Only way to bring a copyright lawsuit.
- Federal laws means only in Federal court
 1. Actual damages
 2. punitive damages
 3. lawyer fees

Most copyright lawsuits are settled before court.

- Easy to win
- Damages can be huge

Register before publication is best

Register after publication but must be within 3 months of publication to protect back to prior date..

To Register.

1. Images for 3rd quarter or collection do not use the term “compilation.”
2. Fill in everything but not fax number, I am not sure why.
3. Year of creation. 90 day window to be protected back to creation. After 90 days you must have a registration prior to a violation.
4. Only if work has been published by you or a violator. Then you must provide 2 copies of work and 2 copies of published work
5. Type of authorship. Photograph in our case
6. Like tax return- Don't forget to sign form
7. Check if same
8. Fill out name and address legibly.

How to send in photos.

- You can send in thousands of thumbnails (600x800 72dpi) on 1 CD. Don't make it easy for violator since image become public after registration.
- List of titles, anything you normally title your work as.
- Use a good CD and you can assume that the copyright office can store them properly.
- Make a 2nd copy of everything for yourself.

After publication, you must send it two copies of everything. If you do not register before 3 months after publication, you are only protected from the date the registration application is received.

Resources

www.copyright.gov

www.copyrightdefense.com

www.photonews.com