

Major Points on ASMP Copyright Laws

What is copyright – is a right, granted to you by law, to control the copying, reproduction, distribution, derivative use and public display of your photographs, and to sue for unauthorized use (infringement) of your work.

What makes images copyrightable

- Must be original work
- Ideas, themes, and concepts are NOT copyrightable. Only the tangible expression (the image) is copyrighted.

How long does it last

- Work created after January 1, 1978, copyright last for the life of the artist plus 70 years.
- In the case of a joint work, copyright last for 70 years after the last surviving artist's death.
- Disney or Sonny Bono Copyright Extension Act changed the copyright from 50 years after the death of the artist to 70 years.

Always have a notice – it prevents an “innocent” infringement, but it is NOT required. Once the work has been made, it is copyrightable.

- Written as a statement – This is the work of Tom Shirley, if you want to reproduce it, contact him at...
- © symbol on the image with date of first publication and your name – ©Shirley2006
- Written in a letter
 - One time use -- Bob Smith has the right for one time reproduction of “Mother Hen” image by Tom Shirley for the reproduction in the children’s book, Fairy Tales.
 - Exclusive rights – is transferring copyright to someone else. Meaning they can reproduce the image as many times as they want. You can get the copyright back after 35 years.

Work for Hire – The artist (hired person) never owned the copyright. The client owned the copyright from the moment the work is created. The photographer is the “tool” of the client.

- 9 Categories for work hire
 - As a contributor to a collective work (most common to photographers because collective work includes magazines and other periodicals.)

- As a contributor to a motion picture or audio visual work.
- As a translation
- As a supplementary work
- As a compilation
- As an instructional text
- As a test
- As answer material for a test
- As an atlas
 - Applies to all photos taken on assignment, not just to the images used by the client.

Fair use – Anyone can copy your work without penalty or permission as long as it is used for;

- Educational or classroom purposes
- News reporting
- Other educational or public interest purposes

Public Domain – work that is not protected by copyright laws and can be used freely by everyone

- Applies when the copyright has expired for the work.
- Author failed to satisfy statutory formalities to get work copyrighted.
- Work is of the US Government
- Just because it is online, does not mean that is public domain.