

Important Information about Copyright Laws

As we move farther into the electronic and technology age, it is becoming increasingly difficult for a person to protect his or her works of "art" from what amounts to theft. I hope with the help of this article that many unanswered questions about "**copyright**" will be answered.

What is Copyright? Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of "original works of authorship" that are fixed in a tangible form of expression. The fixation need not be directly perceptible so long as it may be communicated with the aid of a machine or device. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- *Reproduce* (including scanning into your computer for any reason or use)
- *Change from original form*
- *Distribute copies*
- *Display publicly* (including use on a web site, Face Book or any other similar site)

This is not a complete list; however, it is a list of the most common offenses when dealing with copyright issues.

Copyright protection subsists from the time the work is created in fixed form. In the case of photography, that point is as soon as the camera's shutter is released and the image is transferred to the "film" plane or digital sensor. The copyright in the work of authorship immediately becomes the property of the author who created the work (i.e., the photographer). Only the author or those deriving their rights through the author can rightfully claim copyright.

More, ownership of a book, manuscript, painting, photograph or any other copy of photo record does not give the possessor the copyright. The law provides that transfer of ownership of any material object that embodies a protected work does not of itself convey any rights in the copyright. ***In other words, if I sell you a picture, you do not own the copyright to that picture, the photographer does, and as such, you may not reproduce that picture in any way, shape, or form.***

How is a Copyright Secured? The way in which copyright protection is secured is frequently misunderstood. No publication or registration or other action in the Copyright Office is required to secure Copyright. **Copyright is secured automatically** when the work is created, and a work is created when it is fixed in a copy of photo record for the first time. "Copies" are material objects from which a work can be read or visually perceived either directly or with the aid of a machine or device, such as a computer, books, manuscripts, film, videotape, or microfilm is used.

Because of today's technology, people take for granted photographers rights regarding Copyright. As you can see, it is **not legal** to copy a professional photographer's work in any manner. Most photographers will mark their pictures with the symbol ©, their name and often the year. For example: © **2010 MH PhotoDesigns**, however, it's not required that a photographer mark his/her work for it to be "copyrighted". Because of the abuse against copyrighted material, the fine for copyright infringement increased from \$30,000 to \$100,000 as of January 1, 2000.

I hope this clears up any unanswered questions regarding what copyright means. If you still have questions, you can write the Library of Congress for a complete copy of the Copyright Law. Please keep in mind that a photographer makes his/her living from selling pictures. If his pictures are being copied (stolen), he is losing money and will not be able to stay in business. You wouldn't want somebody stealing from your business or home, so be respectful and don't do it to others!