

COPYRIGHTS EXPLAINED

When taking and submitting photographs to photo libraries, it is useful to know something about the copyright. In the UK, virtually every work created by the labour, skill and judgement of individuals is covered by copyright – as long as it meets certain conditions.

These conditions are that:

1. The work must be original
2. The work must be in a material form. Ideas cannot be copyrighted, but the expression of those ideas into a physical format will gain copyright.

There are several different categories under which different materials are classified in the 1988 Copyright Act and subsequent amendments and additions. Photographs of any kind are classified as 'artistic works' together with paintings, drawings, diagrams maps, charts, plans, engraving, etchings, lithographs, sculpture and works of architecture.

Copyright in these items belongs to the original creator i.e. Photographer. This lasts for the creator's life plus 70 years.

You do not need to register copyright. Copyright in any photo that you have created is automatic as long as you meet the conditions mentioned earlier. You do not have to register the work (indeed, there is no agency to do so), pay a fee or undergo any type of bureaucratic process. You do not even have to attach the internationally recognised Copyright symbol ©. However, if you were to put the copyright symbol on a piece of work, it serves as a useful reminder to others that what they are looking at (and thinking of copying!) is protected by copyright.

Because there is no bureaucratic process to prove that you are the copyright owner it can sometimes be difficult to prove ownership. However, in extreme cases, there are ways of proving that your work existed at a particular point in time, which could be used as evidence in the case of copyright disputes. The first way would be to deposit a copy of the photo with a bank or solicitor. The second would be to send a copy of the work to yourself via registered post, and then leaving the envelope unopened on its arrival. This is optional and certainly not essential.

You can dispose of copyright in one of two ways:

1. Sell it. Legally this is known as assigning your copyright. This gives somebody else the same rights to ownership of your work that you originally had. You lose your copyright to the work.
2. License it. This just gives another person the right to use your work once for whatever period you agree. With licensing you still keep your copyright in the work.

When submitting photos to a library you will usually just be licensing others to use them in return for an agreed payment – not selling them as such.

If you do not specifically sell (assign) or licence your copyright it belongs to you – always.

Thanks to: Canonbury Publishing.
Posted in their book [Cash from Your Digital Camera](#) © 2009

