How To Copyright –
A Guide For Individual Photographers

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Disclaimer: Any screen captures are included for illustration purposes, may be cropped, and may not accurately represent the latest eCopyright web interface. As I aim to help you navigate the eCopyright website, the site itself is entirely controlled by the U.S. Copyright Office.

If you create a photograph, US law says you automatically own the rights to that image (usage, copy, distribution, etc). However, these rights do not have firm power in a court of law unless your images have been formally registered with the Copyright office. Unless you have registered, a court of law is not even required to hear your case. As lawyer Ed Greenberg (The Copyright Zone) says, copyright is the key to the courtroom.

Should you register your photographs with the US Copyright office? That choice is up to you. If your answer is 'yes,' then keep reading.

Photographers can register multiple photographs at the same time. Beginning in 2018, the limit has been a maximum of 750 images submitted in a single claim.

Be careful not to confuse these categories : "Group of Unpublished Works", "Group of Photographs" (unpublished) and "Group of Photographs" (published). Note that published and unpublished photographs cannot be registered together in a single submission. (To register published images, you must document where and when the images were published.) We will be looking primarily at Group of Photographs (unpublished).

The good news is that the submission process can be done entirely on-line (through an internet connection) and without hiring any service to do it for you. The bad news is that the process can seem cryptic or cumbersome until you have completed it a couple times.

The copyright office will accept images via internet upload or on disc (e.g. CD-ROM) sent via snail-mail; however, the online application is basically the same. Herein we will be using internet upload.

After preparing your images, the process of registration has these basic steps:

1. Compile a list of files in accord with the Copyright office guidelines
2. Login to eCopyright web page
3. Fill out the on-line application
4. Submit payment
5. Upload your image files and the file list
6. A paper copy of your registration will be sent to you via postal/paper mail

Circular #42 - an introduction to copyright of photographs:
https://www.copyright.gov/circs/circ42.pdf

A more detailed walk-through is available here:
https://www.copyright.gov/eco/help/group/grpph.html

While that information is essential, the process can still be confusing to first-time users. So, from one photographer to another, I offer this guide to help to you.

Preparing your images for submission

Preparing many images for upload is relatively simple using any photo-organizer software; I use Adobe Lightroom. Select the images and export them to a temporary folder as reduced-size jpeg files with reduced resolution.

Copyright does not require full-resolution images. For a normal rectangular aspect ratio (not panorama) an acceptable resolution is 700 or 800 pixels along the longer edge.

While other file types are supported (www.copyright.gov/eco/help-file-types.html), Jpeg is the perfect balance of quality and compressed size.

I must warn you of a trap, which I myself have fallen into multiple times. In the course of preparing images, I commonly discover work that I had previously neglected. For example, a group of images that I forgot to edit, images that yet need to be panorama-stitched, and images that yet need to be post-processed for HDR. All this means that submitting images may need to be postponed until prerequisite tasks are completed. Although this feels like a nuisance, it is necessary work and the intent to submit for copyright forces me to do what I should have done long ago.

File naming

Before submitting images for copyright, you need to ensure that the filenames are all unique. Review the images that you intend to copyright, paying attention to the image filenames.

Hopefully renaming your images is already part of your post-processing. Many cameras create image file names using a simple incrementing number. Upon formatting the memory card, the camera may restart the numbering at the beginning. This readily suggests that you may have duplicate filenames if you do not explicitly rename them.

For example, if a file from your camera is named IMG-1002407.jpg., you should at least change the prefix; e.g. Springfield-1002407.jpg. Batch rename of many images is easy to do using any photo organizer software.

File names may contain punctuation and spaces. (Prior to March 2019, filename guidelines disallowed punctuation).

Export re-sized JPEG files

As today's cameras commonly capture 20 to 50 megapixels, the image files are not small. A full-resolution image is not required for copyright. You can and should reduce the resolution before submitting for copyright; this can be quite simple depending upon your image-management software.

Export: Lightroom

File -> Export

Folder – the location where you want the images for registration to go;

Template – filename;

Format: JPEG; Quality: 70; Color Space: AdobeRGB (1998);

Resize to fit: generally, I choose: long edge = 700 pixels; but this is not a good choice for wide panoramas. For panorama, I choose: short edge = 500.

Export: Adobe Bridge & Photoshop

Create a Photoshop action called "Constrain 700p (for copyright)"

- Image -> Flatten Image
- Image -> Convert Mode -> 8 Bits/Channel RGB
- File -> Automate -> Fit Image -> 700 x 700 pixels
- Save as JPEG
- Close

There is yet one problem. If you attempt to batch process DNG files, they will open in Adobe Camera Raw rather than directly in Photoshop. Each image requires that you click "Open" button. That defeats the concept of batch processing.

To work around the problem, use Photoshop -> Image Processor (instead of Photoshop -> Batch). This requires a small change to the Action.   Because the Image Processor includes saving & closing each file, change the action to disable the last two steps (Save & Close). This is a simple matter of removing the checkmark in the box to the left of those two steps.

List of files

Since early 2018, your deposit of images must be accompanied by a list of all the images. Download a preformatted template from the eCO website. To complete this form, you will eventually require a piece of information that you do not yet have – the case number assigned to your application. You should prepare your file list in advance; however before uploading the list, remember to modify the list by applying the case number.

The list includes title and filename for each image. Title is arbitrary. For most of us, the title is the same as the file name. My practice is to set the title equal to the filename but without the ".jpg" extension.

Note: If you are registering a group of published photographs, the list also must include the month and year that each photograph was published.

If using a Windows computer, here's one way to list all the filenames in a folder.

- Launch a command shell (a.k.a. command-line utility); the application name is "cmd"
- Change your current folder location to the location of your images
    E.g.: cd \Users\Jane\Pictures\Atlanta2019
- List the files in the current directory using "brief" format and redirect that into a file
    dir /b > filelist.txt
- Edit the filelist.txt and remove the one name "filelist.txt"
- Select all rows in the file (ctrl + 'A') and then copy (ctrl + 'C')
    You can then paste (ctrl + 'P') that list into your eCopyright form/template

The number of images in your list must not exceed maximum number of images (750) allowed in a one application/deposit.

Create Zip file(s)

If you are registering hundreds of images, you really don't want to waste time providing those individual files to the eCO website. Instead package them into one or more packages. The eCO website supports a small number of compressed archive formats; Zip is the most widely recognized format and is easy to use on most computers.

To create zip files on MacOS, you can use the Archive Utility. Windows does not include such a utility, but many applications are freely available. I use an application called 7-zip.

Example: With 7-zip installed, let's say my folder full of photo files for copyright is named "massachusetts". Select all files with Ctrl+A (control key and the 'A' key). Right click, choose 7-Zip, and choose: add to massachusetts.zip. (The default name is based upon the folder name.)

Submitting Electronic copyright - eCO

Before you begin, note that the eCO website may include "pop up" dialog boxes, which means that you need to configure your web browser to allow pop-ups for eco.copyright.gov.

Second, pay attention to notices on the login page. A typical notice states that the site is not available during a specific time once each week, for routine maintenance purposes.

To submit a collection of images, there are three parts. (1) Enter information about yourself (name, address, etc) and information about what you are submitting (you are submitting photographs). (2) Provide payment; I always use a credit/debit card but there are other options. (3) Upload your files.

Open a new copyright case with eCO

Simply click "Group of photographs".
Notice that subsequent pages of the form show your assigned case number at the top.

The next page (entitled "Type of Group") asks if the images have been published or not. Unpublished necessarily implies that you have not published in print nor on-line; not Facebook, not Instagram, etc. For the purposes of the help guide you are reading, we will assume all images are unpublished.

Notice that the top of the page shows a case number that has been assigned to your copyright application. Using this number, you must include it in your document that lists titles and filenames. Furthermore, you must rename that document to include the case number. For example, if you have a spreadsheet called "Titles2019.xlsx", rename it to "Titles2019 case number " + case number + ".xlsx".

Titles

Notice the top left of your screen informs you that you are entering data into the application form ("form" is highlighted) and the specific page of the form: Titles.

Click the "New" button and provide a title for your collection of photographs.

Notice the text on this page. Upon providing the title, you are advised to provide additional information; the process can be awkward. (This recommendation is also stated at the top of the template where you listed all your file names.) The recommendation is to copy all of your titles and paste them into a field on the web form which is not capable of accepting 750 entries. If you attempt to paste too many title names all at once, the form will warn you that the list has been automatically truncated. You must repeat the process several times until all the names have been entered. Each time you do this, you must somehow identify exactly how many names have been entered (before truncation). Alternatively, you could explicitly enter a fixed number of titles that you know will fit, perhaps 100 names; in that case, the "number of photos" field would always be 100.

In the example shown here, notice two details. The "Type" column shows that the first row is different than all those that follow. And the sum of the title counts does add up to the total number on the first row.

As the detailed information here is entirely redundant, why is it recommended? I don't know.
As the method of entry is extremely awkward, can you skip this step entirely? Yes.
What is the consequence of skipping this step? I don't know.

I surely hope that eCO should improve this in the near future. Either the field on the form must be able to accept all file names at once, or the information should be automatically extracted from the file list that you will subsequently upload.

Author, Claimants, Rights, Correspondent

If your photographs are solely your own work and not work for hire, these pages are quite straight-forward – you are merely entering your own contact information. Because each of these are commonly identical, each page provides a "Add Me" button to make it easy.

Form | **Pay** | **Submit Work**

Links	Completed
Type of Group	✓
Titles	✓
Author	
Claimants	
Rights & Permissions	
Correspondent	
Mail Certificate	
Special Handling	
Certification	
Review Submission	

Author

<< Back | Continue >> | Add Me | Save For Later

Author's Name Give either an individual name OR an organization name, but not both. The author is the person who created the photographs unless the contribution was "Made for hire", in which case the **employer** is the author. Either citizenship or domicile of the author is also required. Joint authorship is excluded from this registration option.

Individual: OR **Organization:**

* First Name: [_____]   Organization Name: [_____]

Middle Name: [_____]

* Last Name: [_____]

Is this author's contribution a work made for hire ?: -Select- [v]   Help

* Citizenship: -Select- [v]   Help

OR

Anonymous: [ ]   Help

* Domicile: -Select- [v]   Help   Pseudonymous: [ ]   Help

Year of Birth [YYYY]: [_____]

Pseudonym: [_____]   Help

Year of Death [YYYY]: [_____]

Mail Certificate

Provide your address to where the copyright office will mail a printed certificate.

Special Handling, Certification

Special handling: if you don't need special handling, simply click on "Continue".

Certification

There are two important elements on this screen.

- Confirm "I am the author, copyright claimant, or owner of exclusive rights" etc.
- The name of the file containing your list of image filenames.

When you have completed this page, the next page shows a summary of your application. Verify the information. Then click "Add to cart" (add to shopping cart for checkout).

Fee payment

When you click "checkout", you are temporarily redirected away from the eCO website to a payment website. When you complete the transaction, you will be automatically sent back to eCO so you can submit your images.

You can pay either by providing a bank account (referred to as ACH Payment) or a credit card. The exact details changed during 2019; the change was for the better and payment seems self-explanatory.

Upon completion of your payment, you should receive an email confirming your payment. In fact, I expect two emails, one from Pay.gov and the other from the Copyright Office.

Submit Your Work

Upload your files via the eCO website. Although you can copy your images to an optical disk and send it via postal snail-mail to the Copyright office, I see no value in doing that. Here, I am only considering internet upload, also known as "submit your work" or "upload your deposit".

Notice that the eCO page includes (1) Upload your work(s) and (2) Send your work(s) by Mail. Choose one and not both.

You can collect all your images into a single zip file, along with your title list document. Personally, I prefer to create multiple zip files. When a deposit consists of multiple files (e.g. several different zip files, each containing the photos from different shoots), the eCO web interface allows you to specify multiple names and then click a button to upload all of them. After uploading files, you can still add more and upload those. Your submission is not finalized until to click a button to finalize it.

Submit Your Work(s)

To complete your submission, please submit the required copy(ies) of your work. You may (1) upload electronic files if the work meets the requirements; otherwise, you must (2) send the work by mail (do not do both)

(1) Upload your work(s): Please perform the following steps for the case(s) in the table below.
Step 1: Click the "Select files to upload" button. Using your computer's browser, select your files for the corresponding work then click the "Start upload" button.
Step 2: After uploading all files for this work, click the corresponding "Complete Your Submission" button. Files cannot be uploaded later than 5 days after your first file is received.

Please note: Files cannot be returned or deleted once uploaded. To avoid delays and/or a later effective date of registration, please verify the following before uploading a copy of your work(s):

- It is a category of work that may be uploaded
- It is an acceptable file type
- It is an acceptable file size

Upload Your Work(s)

Case Details	Step 1: Select & Upload Files		
	+ Select files to upload...	⊙ Start upload	View Uploaded File Names
	Successfully uploaded - newengland_2018 case _number 1-6949241.xlsx		38.17 KB
Case #: 1-69449241 **Title:** NewEngland_2018 **Volume:** **Number:** **Issue Date:** **Type of Work:** Unpublished Photographs	CT.zip		19.27 MB ⊘Remove
	Before uploading, click here to verify that this compressed file contains only acceptable file types. Otherwise, click the "Remove" button and select another file.		
	Aerial.zip		17.50 MB ⊘Remove
	Before uploading, click here to verify that this compressed file contains only acceptable file types. Otherwise, click the "Remove" button and select another file.		
	Successfully uploaded - ma-worcester.zip		1.99 MB
	MA-Lowell.zip		4.43 MB
	Error true		
	ME-Acadia.zip		5.98 MB ⊘Remove
	Before uploading, click here to verify that this compressed file contains only acceptable file types. Otherwise, click the "Remove" button and select another file.		

(2) Send Your Work(s) by Mail:

- Click the "Create Shipping Slip" button in the table below; a Shipping Slip link will appear in the Attachments column.
- Click the Shipping Slip link and print out and attach the shipping slip(s) to your deposit copy(ies). For multiple cases, be sure to attach shipping slips to the corresponding copies.
- Mail the deposit copy(ies) within 30 days to the Copyright Office address at the bottom of the slip.Note: Your effective date of registration will be based on the date on which we receive the copies **with corresponding shipping slips attached**.

Don't forget to include the document containing your list of titles/files. Personally, I don't bother to zip that file; I simply submit the spreadsheet document. (The eCO website provides a list of acceptable file formats.)

When you click the "Start Upload" button, you should see the progress bars filling up with green color. When all the files have completed, you should receive an email confirming the uploaded files (and the size of each file).

You may encounter an upload error; it is not uncommon and is simple to resolve. To retry those files, click the "Select Files" button to add them again, then "Start Upload" again. For each time you initiate file upload by clicking on "Start Upload" you will likely receive a separate email confirming the upload. (E.g. if you upload some files, then upload some more files, you should receive two confirmation emails.)

On at least one occasion, I have seen a problem with the website such that upload ceased to function. Upon logout from the website, close the web browser, and restart, I did not have any further trouble. Upon logging in once again, you will see a link to your open submission; just click on that and resume uploading.

Having selected files and uploaded them, your application remains open/incomplete. You can select additional files and upload those separately. You can even log out and return later. Your application is finished only when you click the button labeled "Click here to complete your submission". (The upload page usually states that you have a limited number of days that your application can remain open.)

The final page should show "Upload complete. No further action required." And subsequently, you should receive an email entitled something like "Acknowledgement of Uploaded Deposit".

Logout from the eCO website. You are done.

After completing the submission, the case is in a "completed" state and no more files can be added. However, I did once forget to upload my spreadsheet containing the title and filename list. As I realized my error within minutes after completing the submission, I immediately contacted the copyright office electronically, specified the case number, and asked how I might upload the list. Within a couple days, I received a reply and they changed the case from *completed* back to incomplete, thus allowing me to upload the additional file. Then I again clicked "Click here to complete your submission" and the case was once again in the *completed* state.

At this point, your job is done and the Copyright Office will process the claim in due time. In due course, you will receive a paper certificate of your copyright registration.

Wrap It Up

For your own records, save your .zip files and title list. Then you can delete the temporary folders that you used for uncompressed low-resolution images before creating zip files.

Further, I recommend maintaining a document that lists every copyright submission and the date that each was submitted.

Certificate of Registration

In 2019, certificate of registration is sent via paper. While many businesses (financial, medical, etc) encourage you adopt paperless delivery, U.S. copyright did not yet offer paperless delivery.

If you fulfilled the optional step of providing individual image title names, then the certificate will list all of those titles. From personal experience, a list of 734 image titles required three printed pages. If you only provided a document containing titles, then certificate states the number of images without the detailed list; the certificate is likely a one-page document.