

THE CORRECT COPYRIGHT NOTICE ON A PHOTOGRAPHER'S WEBSITE

BY DAVID BRABYN - OCTOBER 23, 2010

Under US law a copyright notice is no longer required to protect copyright. Photographers own the copyright to their work the instant they press the button. However a copyright notice has a purpose as it indicates that a work is protected by copyright, identifies the copyright owner and shows the year of first publication. You should include a properly formatted copyright notice on each page of your website that displays an image.

Include It

With the notice present the defendant in an infringement lawsuit can no longer claim they did not realize that the work was protected – the so-called “innocent infringement” defense which, if successful, can result in reduced damages for you.

I called the Library of Congress' Copyright Office to double check on the correct format for a photography website. This is what they told me:

1. The symbol © (letter C in a circle), the word “Copyright” or the abbreviation “Copr.”
2. The year of first publication followed by a hyphen and the year of last publication. If your website only includes images published during the same year then a single year of first publication would be enough.
3. The name of the copyright owner, an abbreviation by which the name can be recognized, or a generally known alternative designation of owner.

For example: All images © 2003-2010 David Brabyn.

Add it to every page that displays images. I also recommend you include on your About page because, as the legal benefits reflect, the notice actually provides real information to the visitor and the About page is a logical place to give copyright information *about* the work on the website.

According to the Law the copyright notice should be affixed in such a way as to “give reasonable notice of the claim of copyright.” The three elements of the notice should ordinarily appear together on the copies.

For more information, see the [Copyright Office's Circular 3, Copyright Notice \(pdf\)](#).

You will need to change the notice every time either the earliest or latest dates of publication change. Typically you will need to change at least the second date every year if you are adding new images.

Publication Dates

Determining publication dates is tricky because determining whether an image is published or not is itself tricky. According to the statute, “Publication is the distribution of copies (...) of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies (...) to a group of persons for purposes of further distribution, public performance, or public display constitutes publication. A public performance or display of a work does not of itself constitute publication.”

Browsers render webpages by downloading content to the viewer's browser's cache. Does that amount to transfer of ownership, rental, leasing or lending? In the absence of clarification from the lawmakers, the Copyright Office asks applicants, who know the facts surrounding distribution of their works, to determine whether works are published. (<http://www.copyright.gov/fls/fl107.html>)

Insert it Right

You don't want to enter the © symbol in html code via keystrokes (Ctrl+Alt+C or Alt+0169 on a PC and Opt+G on a Mac) as it can lead to strange Â© characters appearing. Instead of a keyboard-entered © symbol use the information from the ISO-8859-1 character set.

The code for the © symbol in HTML is `©`. Better still use the number code: `©`. The actual code snippet would therefore be: `© 2010 David Brabyn`

All Rights Reserved

You have probably also seen the phrase All rights reserved. It indicates that the copyright holder holds all the rights provided by copyright law for their own use, i.e. they have not waived any such right. Most countries no longer requires such notices, but the phrase persists. There is no real downside to including it. The spread of Flickr terminology and mis-conceptions about copyright, particularly when it comes to online use, pleads in favor of asserting rights in all ways possible. So, by all means, add it to your website pages.

And remember: I am not a lawyer.