



Copyright registration fully protects work

By Michael Bracey

...a copyright without copyright registration is next to worthless. For starters, you can't even file a copyright lawsuit in federal court without having actually filed a copyright registration. Second, if the copyright infringement that you are suing over occurred more than 90 days prior to you filing the copyright registration, you are denied two big sticks under copyright law—the reimbursement of your court costs, including attorney fees, and the awarding of statutory damages...

—Professional Photographers of America
(www.ppa.com)

As photographers we need to safeguard the value of the images we create by taking extra steps (in some cases, time consuming) of registering our copyright(s). Your work is automatically protected under U.S. copyright law from the moment of its creation. Therefore, filing a copyright is not generally mandatory. However, registering provides particular legal benefits and is necessary to file a suit for infringement.

If you don't register all your work, consider images that are high revenue generators and those that have the potential to do the same. A photographer can register his/her works as published or unpublished works. Registering your work as published is more labor intensive and costly. Conversely, it is less laborious and costly to register your works as unpublished.

How to register your work:

Step 1

Make sure your work is a visual arts work. Visual arts are
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Quarter IV meetings 2002:

October 20; Nov. 17; Dec. 15;
2-4 p.m., Sundays
South Side Community Art Center*
3831 South Michigan Ave.
Chicago, IL

*If meeting venue changes (advance notification of venue changes will be made via e-mail, regular mail and/or telephone)

***The October 20th meeting will begin at SSCAC at 2 p.m. but we will leave shortly to go to Voytek Studio and Lab, 1619 South Michigan Ave (312-939-8070) to resume at 2:30 pm. We will get to tour the lab and check out the digital experience. If you don't come to center, meet us at Voytek at 2:30 pm.**



Do you stamp your photos with a copyright?

Photo Shoot

Two members CAAAP(ture) awards at NABJ convention

Members David Trotman-Wilkins, of the *Chicago Tribune* and Michael Bracey, Freelance Photographer, (CAAAP President) earned third place and honorable mention honors respectively at the National Association of Black Journalist (NABJ) 2002 Moneeta J. Sleet Jr. Photo Competition at its national convention in Milwaukee, Wisconsin this past August.

This photo competition awards outstanding visual journalists. The subject of this year's competition was race relations. First place went to Sarah Glover of *The Philadelphia Inquirer* and second place to Jack Orton of the *Milwaukee Journal Sentinel*.

The judges this year were Milbert O. Brown Jr. (Founding President of CAAAP) of the *Chicago Tribune*, a five-time winner of the competition; Mark Hertzberg of The *Racine Journal Times* in Wisconsin and Pat West of the *Detroit Free Press*. This year's competition switched from film to digital.

Member Profile



A Persistent Eye

David Trotman-Wilkins

A good photojournalist knows that capturing the best images requires boldness, perseverance, creativity, and resourcefulness. Those same characteristics helped David Trotman-Wilkins (Syracuse University, 1975) overcome obstacles that threatened his entrance into the predominantly white world of photojournalism.

Coming from a work class family in a public housing neighborhood of Syracuse, Trotman-Wilkins faced struggles acquiring the equipment he needed to pursue an early interest in photography. After earning what money he could, his parents pitched in to help him purchase his first camera, an old Kodak Brownie 620. Today, he is a photo editor at the *Chicago Tribune*, one of the nation's leading newspapers.



Trotman-Wilkins was the only African American student in the Newhouse photojournalism program during the early 70s. He soon discovered that he was far behind his classmates, most of whom had been using better equipment since childhood. He recalls a professor even pulled him aside and suggested he find another major. "That made me work harder and become more determined," he says. He took advantage of the facilities and equipment that were available to him on campus by shooting for *The Daily Orange* and *The Black Voice*, where he became photo editor. He was able to use SU's community darkrooms for freelance jobs.

By junior year, he had caught up with his classmates in terms of technical skills. However, he still lacked an internship, in part because he needed to work to cover school costs during summers, but also, he says, because many places he applied to "weren't willing to take a risk on an African American photojournalist." Upon graduation, he entered a dismal job market, with many newspapers and major photo magazines, including *Life* and *Look*, going out

of business.

For the next 12 years, Trotman-Wilkins worked as a professional pipefitter and welder, earning enough money to purchase equipment and supplies, while freelancing for any publication he could. "During that time, I was able to meet a whole different sector of people and it made me multifaceted," he says. "But I never left photography. I kept shooting." It was one of his freelance photographs that caught the eye of editor at the *Syracuse Herald Journal* and landed him an internship in 1986 and a full-time job the following year. In 1993, he became an assistant picture editor at the *Milwaukee Journal Sentinel* and, in 1998; he joined the *Tribune*, where he coordinates photographic news coverage of the northwest Chicago suburbs.

Today, through such organizations as the National Association of Black Journalists, CAAAP, and the Wisconsin Black Media Association, Trotman-Wilkins actively recruits minority students into the photojournalism field. "We're way behind other industries in terms of integration and diversity," he says. "In terms of personal achievements, it is a high point for me to have worked my way up in a successful company like the *Chicago Tribune*. It was a real challenge because a lot of newspapers, even today, don't have African Americans working for them, especially the smaller newspapers that are used as stepping stones in journalism."

Having found his own inspiration in the work of James VanDerZee, an African American photographer known for capturing the essence of an emerging middle class in Harlem during the early to mid-20th century, he wants to see more young photojournalists acting as visual communicators who can frame the world differently through the lenses of their own cultures. "Photographing things that are near and dear to your heart will give you better images and allow you to express how you feel about your culture and society."

Reprinted from the *Syracuse Manuscript*—Syracuse University's African American and Latino Alumni Newsletter.

Deadline dates for CAAAP newsletter

- Quarter I 2003:
December 15, 2002
- Quarter II:
March 16, 2003
- Quarter III:
June 22, 2003



Please submit items for newsletter to Douglas Griswold: P.O. Box 1594, Bolingbrook, IL 60440-7306 or at DougGris@msn.com. Newsletter submission sheets are available at each monthly meeting.

New Journey images

The deadline for new works is November 2002. Please note: Journey images should have been taken within the years, 2000, 2001, or 2002 and must be related to the Chicago area African American community. Direct your material to Milbert O. Brown, Jr., Director of the Journey Project. E-mail: mmbrown912@AOL.com.



Upcoming Events

New York Photo Expo
Oct. 30-Nov. 2, 2002
www.photoexpoplus.com or contact CAAAP Secretary Martha Brock for more info.

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Notice to CAAAP members:

If you have a new or different e-mail than the one we have on file, please submit it to one of the officers. Some of the e-mails came back as non-deliverable last quarter. Our goal is to e-mail the newsletter to all members. My e-mail is to the left under newsletter deadline dates.

Thanks, Doug.



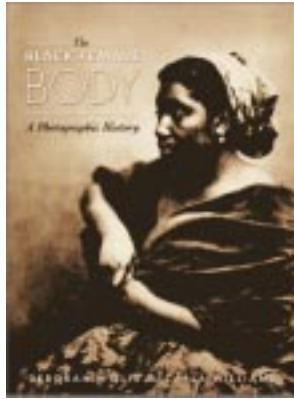
By James Harvey

The Black Female Body: A Photographic History, by Deborah Willis and Carla Williams, takes a look at the black woman from the late 1800s—with the Daguerreotype of native queens from Mozambique East Africa to current contemporary urban queen bees Lil’ Kim and Mary J. Blige. Their photographic research spans the world and includes images that have remained unknown for many years.

The book shows how photography and science were used to make photographic records of first and second generation slaves on plantations near Columbia, South Carolina around 1850. Moreover, we see skin color and hair texture, light and dark sisters, and mothers with their children.

The following is part of an editorial review from the internet which explains the purpose of this great book.

...In the nineteenth century, black women were rarely subjects for artistic studies but posed before the camera again and again as objects for social scientific investigation and as exotic representatives of faraway lands. South Africans, Nubians, enslaved Abyssinians and Americans, often partially or completely naked and devoid of identity, were displayed for the armchair anthropologist or prurient viewer. Willis and Williams relate these social science photographs and the



blatantly pornographic images of this era with those of black women as domestics and as nursemaids for white children in family portraits. As seen through the camera lens, Jezebel and Mammy took the form of real women made available to serve white society.

Bringing together some 185 images that span three centuries, the authors offer counterpoints to these exploitive images, as well as testaments to a vibrant culture. Here are nineteenth century portraits of well-dressed and beautifully coifed creoles of color and artistic studies of dignified black women. Here are Harlem Renaissance photographs of entertainer Josephine Baker and writer Zora Neale Hurston. Documenting the long struggle for black civil rights, the authors draw on politically pointed images by noted photographers like Dorothea Lange, Lewis Hine, and Gordon Parks. They also feature the work of contemporary artists such as Ming Smith Murray, Renee Cox, Coreen Simpson, Chester

Higgins, Joy Gregory, and Catherine Opie, who photograph black women asserting their subjectivity, reclaiming their bodies, and refusing the representations of the past...

The *Black Female Body* is a very good photographic history book on the image of the black woman. I highly recommend it for anyone interested in the history of photography.

About the Authors

Deborah Willis is Professor of Photography in the Tisch School of the Arts, NYU and the author of *Reflections in Black: A History of Black Photographers, 1840 to the Present*.

Carla Williams is a writer and photographer.

Register your work

from page 1

pictorial, graphic, or sculptural works, including 2-dimensional and 3-dimensional works of fine, graphic, and applied art.

Step 2

Put into one envelope or package

- a completed application Form VA
- a \$30 payment to “Register of Copyrights.”
- nonreturnable copy(ies) of the material to be registered.

Step 3

Send the package to
Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

Your registration becomes effective on the day that the Copyright Office receives your application in good order, payment, and copy(ies). If your application is in order, you will receive a certificate of registration in 4 to 5 months.

When the creator submits an application for published work, the person has to register each first published use

and a \$30 fee for each. This does not cover variations of the same work. The U.S. Copyright Office allows you to file a collection of unpublished works on one registration application. Each photo must be specifically identified or titled.

See the “Copyright Registration of Photographs Fact Sheet FL 107” at the website (www.copyright.gov) or order it through the mail at the aforementioned address.

The Copyright Office states that two or more unpublished photographs may be registered as a collection if:

1. The elements are assembled in an orderly form;
2. the combined elements bear a single title identifying the collection as a whole;
3. the copyright claimant in all of the elements and in the collection as whole is the same; and
4. all of the elements are by the same author.

Each photograph in the collection will receive full copyright protection (each must be titled or otherwise specifically identified), and the entire collection can be

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Register work with U.S. Copyright Office

from page 3

registered for a single application fee of \$30.
Steps for you to follow to protect your copyrights

A photographer's work should always be stamped as copyrighted. It lets the customer know and possible copiers know that the work was done by a professional and is protected under the law. It also gives them an avenue for contacting the photographer if they want to order copies, etc. Your copyright stamp should contain the copyright symbol and the name of the studio. The Professional Photographers of America (PPA) recommend adding a line such as "all rights reserved" or "illegal to copy or scan without written permission. You can also include your phone number on back of all photos. You want to curtail unauthorized copies of your work and facilitate more sales. It's your property so you have to take care of it.

It is good business to include some type of copyright agreement in your photo contract.

Remember, you can reap full benefits under the copyright law if you put the effort into registering your copyright.

.Note: For extensive details contact Copyright Office. Check out *The Legal Guide for the Visual Artist*, by Tad Crawford, Allworth Press and *The Copyright Book*, Fourth Edition, by William S. Strong, MIT Press.

COPYRIGHT REGISTRATION

In general, copyright registration is a legal formality intended to make a public record of the basic facts of a particular copyright. However, registration is not a condition of copyright protection. Even though registration is not a requirement for protection, the copyright law provides several inducements or advantages to encourage copyright owners to make registration. Among these advantages are the following:

- Registration establishes a public record of the copyright claim.
 - Before an infringement suit may be filed in court, registration is necessary for works of U. S. origin.
 - If made before or within 5 years of publication, registration will establish prima facie evidence in court of the validity of the copyright and of the facts stated in the certificate.
 - If registration is made within 3 months after publication of the work or prior to an infringement of the work, statutory damages and attorney's fees will be available to the copyright owner in court actions. Otherwise, only an award of actual damages and profits is available to the copyright owner.
 - Registration allows the owner of the copyright to record the registration with the U. S. Customs Service for protection against the importation of infringing copies. For additional information, request Publication No. 563 "How to Protect Your Intellectual Property Right," from: U.S. Customs Service, P.O. Box 7404, Washington, D.C. 20044. See the U.S. Customs Service Website at www.customs.gov for online publications.
- Registration may be made at any time within the life of the copyright. Unlike the law before 1978, when a work has been registered in unpublished form, it is not necessary to make another registration when the work becomes published, although the copyright owner may register the published edition, if desired. (From U.S. Copyright Office)



Rm. C-14 10th Floor
28 East Jackson Bldg.
Chicago IL 60604
Tel: 312.760.9691

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Chicago Alliance of African American Photographers
Rm. C-14 10th Floor
28 East Jackson Bldg
Chicago IL 60604

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