



On March 22, 2009, APA National CEO Stephen Best contacted The Copyright Registry via an open letter to all APA members and others on the APA emailing list. In this email, Stephen made statements and asked questions concerning [www.C-Registry.us](http://www.C-Registry.us). On March 23, The Copyright Registry answered Stephen as follows:

APA States: "The underlying value of the need for a registry service is still uncertain."

**The Copyright Registry™ Replies:**

**Various types of registry, directory or database of photographer contact information already exist. The Copyright Registry takes this kind of marketing to the next level by enabling users to find and contact photographers directly from their images anywhere on the Internet even if that image has no IPTC/File Info, copyright notice or creator credit line associated with it, provided that image file has been claimed by the photographer in The Copyright Registry.**

APA States: "The Copyright Registry claims that it reduces the risk that a photograph might be mistaken for an 'orphaned work', which is a creative work for which the creator or copyright holder might be unknown or known, but who cannot be located?"

**The Copyright Registry™ Replies:**

**The Copyright Registry enables photographers to join each of their images with their name, contact information, their e-commerce link for licensing, and their registration record in the U.S. Copyright Office online database. A user can reach the photographer from a duplicate of the photographer's creative work that appears at any web site in any language anywhere in the world, provided normal user access is not blocked by the web site. By enabling users to find the photographer from copies of their work anywhere in the world, this reduces the risk that the photographer is unknown to the user or cannot be located. Regardless of passage of legislation, The Copyright Registry benefits photographers by making it easier to find**

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**him or her from their creative works, including copies that photographers are unaware of and may be stolen.**

APA States: "There is no current Orphaned Work law or legislation."

**The Copyright Registry™ Replies:**

**That is correct. But, there are efforts in several countries, including the USA, to pass Orphan Works legislation or work rules. It would not be prudent to wait for the Orphan Works Act (OWA) to pass before delivering a solution that adds value to photographers. Just last year, the APA official position on OWA was that "If left unchanged, this legislation has the potential to destroy the businesses and livelihoods of thousands of photographers, other visual artists, as well as the collateral small businesses that serve the industry, and are dependent on, creators." Doesn't it make sense to get out front of legislation and to put in place a global solution before OWA passes, especially one that delivers value right now? The Copyright Registry provides an effective process that addresses the needs of OWA. As this and similar legislation evolves in the U.S. Congress and abroad, photographers can benefit today from the FREE sales leads that are inherent in The Copyright Registry, which will only be multiplied if the final version of OWA requires the use of registries such as The Copyright Registry.**

APA States: "The Copyright Registry appears to claim that it enhances and reinforces the copyright of the creator."

**The Copyright Registry™ Replies:**

**One of the biggest, most under valued sources of wealth in the world is the collective value of copyrighted creations. Copyright places no age requirement on creativity. A child's crayon drawing is copyrighted upon creation. At stake is the value of all intellectual property of multiple generations – past, present and future. By making it easy for potential clients to find and contact the owner of an image or their designated agent, The Copyright Registry enhances the value of copyright. It further reinforces that copyright by freely sharing with photographers the list of web sites that are using his or her image, and by enabling an automated way to issue a Digital Millennium Copyright Act Take Down order, which has been difficult for photographers to leverage to their advantage until now.**

APA States: "Registration with the United States Copyright Office is the only registration that enforces your copyright and allows for restitution from an infringement. There is no other way that increases or enforces copyright protection."

**The Copyright Registry™ Replies:**

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**Whereas registration of copyright with the U.S. Copyright Office is an important legal step for U.S. Citizens, use of The Digital Millennium Copyright Act (DMCA) does not require formal registration. We believe directly invoicing for uses discovered via The Copyright Registry, combined with issuing DMCA Take Down Orders for infringers who refuse to pay, is a more practical alternative for photographers than legal action in the U.S. Federal Court for infringement of a registered work.**

APA States: "APA is concerned that this is an attempt to seed StockPhotoFinder.com with images for its stock business."

**The Copyright Registry™ Replies:**

**Through its network of marketing sites, StockPhotoFinder enables search of over 4 Billion images. It will not "seed" itself with images from the registry. However, the reverse could be true. Since The Copyright Registry is designed to identify rights holders of most images, it will include records from many 3<sup>rd</sup> party sources, which might include those found via the stock photo search engine.**

APA States: "When photographers are placing images into The Copyright Registry their images may be required to be part of StockPhotoFinder.com to remain in the registry."

**This is not true. Images that are monitored by the registry will not be added nor required to be added to StockPhotoFinder.com.**

APA States: "www.C-Registry.us appears to APA that it is implying that it is an official, government agency registry with an .us extension on the URL. Such action is misleading and deceptive."

**The Copyright Registry™ Replies:**

**This is not true. There is no attempt to mislead or deceive. The ".gov" domain is used by government, not the ".us" domain. By using ".us", The Copyright Registry is openly signaling that this is a U.S. company to foreign users. This avoids any possible confusion that using a ".com" domain could possibly convey as to the national origin of the service.**

APA States: "There is no other arm of the United States government but the U.S. Copyright Office that processes copyright registration."

**The Copyright Registry™ Replies:**

**Agreed. The very first answer on the FAQ page at [www.C-Registry.us](http://www.C-Registry.us) states for all to see that:**

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**“C-Registry is NOT the U.S. Copyright Office. Registering your copyright with the Copyright Office of the United States is extremely recommended. Do so, by all means. C-Registry.us is a supplemental service that enables you to leverage the power of your copyright by making it universally known, by showing you websites that are using your copyrighted work, and by providing methods to make it easier to defend your copyright and get paid for its use. As the first Copyright Registry with these functions, C-Registry.us is designed to enhance your governmental registration.**

**Click here to register your copyright with the U.S. Copyright Office (<http://www.copyright.gov/eco/notice.html>)**

**Click here for help FAQ at the U.S. Copyright Office (<http://www.copyright.gov/help/faq>)”**

APA Asks: “Will photographers be asked to place their registered images into a stock agency by The Copyright Registry?”

**The Copyright Registry™ Replies:**

**Photographers may enter an ecommerce URL of their choice to any photo agency or to a static web page with their personal contact information if the photographer prefers to handle their own stock sales. Photographers completely control their choice of selecting and using a photo agency or not.**

APA Asks: “Will registered images appear in a stock search engine?”

**The Copyright Registry™ Replies:**

**No. Images in the registry are not included by default in the stock photo search engine or other image search engines. It is, of course, possible that search engines could find these photographer-controlled pages as search engine “spiders” normally do on the web.**

APA Asks: “Would there be a fee for inclusion or a fee for a subsequent transaction?”

**There is no fee to include images in The Copyright Registry. The core process is FREE to all users. There is an optional fee to become authenticated in the registry, but this upgrade is also being provided for FREE to all members of trade associations that foster the education and defense of copyright. (Ask your trade association about these additional FREE benefits if they support copyright.) Also, there is currently a transaction fee if users would like to – optionally – issue certified, trackable reports (instead of printing the information for FREE in the screen view). Whether or not there will**

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**ever be a fee for other subsequent transactions will depend on the marketplace, which is evolving rapidly.**

APA Asks: "If a user locates a photographer of an image they want to use and license, will The Copyright Registry receive a fee for the transaction, and if there were a fee, would it be a flat fee or a percentage of the license agreement?"

**The Copyright Registry™ Replies:**

**No. The Copyright Registry does NOT receive a fee from the photographer nor the user when an image located through the registry is licensed.**

APA Asks: "Are there any free products or services being offered the photographer?"

**The Copyright Registry™ Replies:**

**Yes. The core service is FREE for all photographers. Members of trade associations that support copyright can gain additional FREE benefits that include bulk functionality and the ability to lock their records. (Ask your trade association about these additional FREE benefits if they support copyright and are affiliated with The Copyright Registry.)**

APA Asks: "If there are free products or services, will they eventually require a fee or stock agreement to continue the product or service?"

**The Copyright Registry™ Replies:**

**We intend the core service to always remain FREE, and payment for authentication of each photographer to remain discounted or to be FREE for members of trade associations that support copyright. Participation and authentication is optional.**

APA Asks: "What services or products are being offered for a fee and are those fees published or unpublished?"

**The Copyright Registry™ Replies:**

**Photographers who have registered for FREE may opt to be "authenticated", which means The Copyright Registry will do some verification to see that participants are who they say they are in an effort to discourage any misrepresentation by users. There is an annual fee for this upgraded service. The fee is published. (This fee is waived for members of trade associations that support copyright that are affiliated with The Copyright Registry.)**

**There are also published fees for optional reports that can be issued by the registry. These reports include Digital Millennium Copyright Act Take Down orders, a statement of the Rightsholder on Record, a statement of URLs of Use, and the Dispute Resolution Process. This information is also available to print FREE on screen during normal registered use. The fee for reports is, in part, because reports issued by The Copyright Registry can later be verified as unchanged from the original version for those who need a document for formal purposes. One of these reports is designed to provide information that could possibly be required by the Orphan Works Act, if that law passes, as part of a reasonable search. By charging a fee for this report, we are shifting the cost of maintaining The Copyright Registry to the infringer, which enables us to offer the benefits of this unique service to photographers for FREE.**

APA Asks: "What services are offered to users seeking to locate the copyright holder of a photograph(s) and what are those fees?"

**The Copyright Registry™ Replies:**

**Users can locate the author or creator, the copyright holder, their photo agency or ecommerce link, and their U.S. Copyright registration record from any duplicate online of each image that is claimed in The Copyright Registry. This service, which acts as a de facto sales lead to the photographer (or musician or videographer) is FREE for both the user and the creator. If the user wants a certified, trackable report that states there is no known rightsholder for a content, they will pay a fee to generate this report. It is in the best interest of photographers to lay claim to as much of their imagery as possible in The Copyright Registry. It's FREE to do so. It does not require any upload of images to the registry. And, it will lead a growing client list of users to you who might otherwise not know that you are the creator of the image they have found at some web site, someplace in the world.**

APA Asks: "Are photographer's metadata and/or pixel markers traveling with the image and can they in any way be affected by:

- Resizing up or down
- Decreasing PPI resolution
- Saving the hi-res file as a jpeg, medium or low for web use
- Shifting image color
- Applying motion filter or other filters
- Cropping"

**The Copyright Registry™ Replies:**

**If the question relates to the data and image as created by the photographer, nothing will change in that file. The Copyright Registry**

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**does not store any images. No upload of images is needed in our unique process. We do not alter any information in the image.**

**The sole exception is the option that each photographer has to add to their image the patent-pending Veripixel™ Copyright Notice. These discrete, colored pixels appear in the upper left corner of the image after using the FREE "Tag This Image" function. If a photographer opts to add this new type of copyright notice to their image, Veripixel™ is affected by any change in the file. It's purpose is to announce copyright. This is similar to any notice of copyright that a photographer chooses to place on, in or by their image. Copyright notice increases protection because U.S. Copyright law could, in some circumstances, interpret the sole act of removing or altering a copyright notice as an infringement.**

APA Asks: "Is there any requirement by The Copyright Registry to insure that photographer's images have all markers placed back into the images if the above actions are done?"

**The Copyright Registry™ Replies:**

**If a user removes or alters the Veripixel™ Copyright Notice for any reason, it is their responsibility to replace it, just as it would be their responsibility if they delete the copyright notice from the IPTC/File Info or ignore the copyright notice on the web page.**

APA Asks: "Is there any claim that The Copyright Registry increases or provides additional rights or remedies to the copyright owner?"

**The Copyright Registry™ Replies:**

**No. The Copyright Registry does not increase nor provide additional rights or remedies to copyright owners. It does, however, provide a great many benefits for FREE to all photographers, including the following.**

**The Copyright Registry Enables:**

- **Users who are looking for the owner of images on the web to conveniently find and contact that owner.**
- **Photographers to see lists of URLs where duplicates of their images are being used online, which they can directly invoice and keep 100% of those fees.**
- **Photographers to associate their visual image with the text record of their U.S. Copyright registration.**
- **Sales leads to an ecommerce link entered by the photographer and to their direct contact information.**
- **Sales leads by tracking inquiries about images that are not yet claimed in the registry.**

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- **FREE tagging of a creator's images with a new form of Copyright announcement.**
- **Creators to associate their copyright claim with images that appear in mashups and other collective works.**
- **Photographers to optionally embed simple code at their web site that links their copyright notice to their full information of The Copyright Registry on a per image basis.**

APA States: "The only way to insure you receive the rights due a photographer with an infringement is to register images with the U.S. Copyright Office. No copyright registry company adds any more protection or rights under copyright law."

**The Copyright Registry™ Replies:**

**While this statement is true, we at The Copyright Registry believe there are more immediate and effective ways for photographers to earn revenue from their copyright than to await a court action that requires formal registration with the U.S. Copyright Office. Copyright holders are empowered with the authority to request the removal of their images from a web site if they deem they are an infringing use, such as an unpaid use. The Copyright Registry provides photographers with the tools to be found by potential buyers, to find possible infringements online, to directly control and monetize their copyright, and to enforce their copyright with DMCA Take Down orders (which do not require formal registration of one's copyright).**

APA States: "An association's approach to advocacy for its members speaks volumes about the intent of the association. APA is proud of its advocacy stance and will continue to provide information to photographers on issues that are of importance in building better business practices and increasing income."

**The Copyright Registry™ Replies:**

**As part of its mission to help photographers and other rights holders, The Copyright Registry is seeking to align itself with all trade associations that are proponents of copyright and that foster the education and defense of copyright. We would like to offer all APA members in good standing the free use of and a free authentication upgrade in the registry, subject to the approval of the Board of Directors of the APA. We are providing live web demos on a regular basis. Please contact us if you are interested in this FREE service or have any questions.**

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