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ADVERTISING  
PHOTOGRAPHERS  
OF AMERICA

## **FOR IMMEDIATE RELEASE**

### **FEDERAL COPYRIGHT OFFICE CONCURS WITH APA ON PRE-REGISTRATION**

**White Plains, NY, December 5, 2005**—Following APA's successful initiative to win copyright pre-registration rights for photographers, APA has engaged the Copyright Office and legislative staff in continued discussions, and re-confirmed the accuracy of APA's understanding of the benefits afforded to photographers who pre-register their images.

APA, in securing pre-registration as a new tool for use by photographers in protecting their copyrights, has always held that photographers who pre-register photographs but then fail to register before the deadlines stated in the new law, will nonetheless remain eligible for awards of statutory damages and attorney's fees in the event of a copyright infringement. When questions were raised in the photographic community on this point, APA sought confirmation of its interpretation through dialog with Copyright Office General Counsel David Carson as well as legislators involved in the passage of the new law.

Mr. Carson previously expressed an opinion that photographers who fail to register pre-registered photographs within the specified timeframe will lose their right to seek statutory damages and attorney's fees in the event that the photographs are infringed.

However, after extended discussions with APA on this issue, the General Counsel has revised his position and now concurs with APA's position that an "owner who pre-registers, but fails to meet the registration deadline, may register at any time, and if the registration pre-dates the commencement of an infringement, and if such commencement occurs more than two months after first publication, the owner is entitled to bring an infringement action and is eligible for an award of statutory damages and attorney's fees" under the new law.

APA continues to encourage all photographers to not only register their work, but to also meet all registration deadlines under the law.

George Fulton, President of APA, said "I am pleased that the Copyright Office carefully considered APA's interpretation of the law and has revised its position as the result of discussions with APA Legislative Advocacy Chair John Harrington and Jeff Sedlik, Chief Advisor on Licensing and Copyright to the President of APA. Pre-registration will allow our members and all photographers to better protect their advertising and marketing photographs."

#### **About Advertising Photographers of America (APA)**

Recognized worldwide for its reach and standards, the Advertising Photographers of America (<http://www.apanational.com>) is the premier trade association for advertising photographers. From education to advocacy, APA is dedicated to a spirit of mutual cooperation and support, offering members outstanding benefits and access to essential tools for business success and creative satisfaction. Headquartered in White Plains, NY with chapter offices in Atlanta, Chicago, Los Angeles, New York City, San Diego, San Francisco, Charlotte, Kansas City, and Washington, DC, APA advocates for the success of the individual photographer and the industry at large.

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