



American Society of Picture Professionals' Best Practices for Locating Copyright Owners Of Photographic and Visual Art

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Depending on the information you have to begin your search, The American Society of Picture Professionals (ASPP) recommends the following approach to tracking down copyright ownership for works primarily of US authors:

For images where the photographer or artist name is known:

- If you have a digital image file, search the metadata for additional source information (Open document in PhotoShop. Under "File", go to "File Info");
- If known, contact the original stock agency, or successor agency. They should be able to contact the photographer on your behalf or put you in contact with the photographer even if they no longer represent him/her. (If you need helping finding a stock agency, contact the Picture Archive Council of America – see below.);
- Contact the original publisher;
- Contact the Professional Photographers of America (PPA) and use their artist registry <http://www.photographerregistry.com>;
- Contact the Picture Licensing Universal System to search in their artists and licensor registry <http://www.useplus.com/useplus/registry.asp>;
- Search by photographer's name at various stock agency sites to try and find the image (or to see if the agency might represent the photographer);
- "Google", or check photo-sharing sites like Flickr, using the photographer's name and follow leads such as educational institutions where he/she studied, professional organizations, etc.;
- Do the same using keywords that give information about the subject of the image and find the image by subject matter;
- If the image is a historical photo of a known location or a historically significant event, contact a local newspaper or historical society. The image could have been published with a story or archived. Often staff of such organizations will know how to locate a creator/copyright holder or will be able to direct you to a source that might have an answer;
- Contact the U.S. Copyright Office at www.copyright.gov and search the database of copyright registrations (available since 1975). This search is limited as you need to search by title of the work or name of author or claimant; there is no image search.

PHOTOGRAPHY

In addition to the sites mentioned above, the following sites have search engines that allow you to search by a photographer's name.

- American Society of Media Photographers (ASMP) <http://www.asmp.org/findaphotographer/>
- Advertising Photographers of America (APA) <http://www.apanational.com/>
- Association of Photographers (AOP) (United Kingdom) <http://hub.the-aop.org/>
- Editorial Photographers (EP) <http://www.editorialphoto.com/>
- National Press Photographers Association (NPPA) <http://www.nppa.org/>
- White House News Photographers Association (WHNPA) <http://www.whnpa.org/>
- AGPix <http://www.agpix.com/>
- Photographers Direct <http://www.photographersdirect.com/>
- Independent Photography Network (IPN) <http://ipnstock.com/>
- PhotoShelter <http://psc.photoshelter.com/photographers/>
- Photo Source International <http://www.photosource.com/index.php>
- Professional Photographers of America (PPA) <http://www.ppa.com>
- Workbook <http://www.workbook.com/>
- The Black Book <http://www.blackbook.com/>

For images where you DO NOT know the photographer or artist:

- Look at the context of the use for additional clues. If the work is published in a book or magazine, contact the publisher or author. If it is an advertisement, contact the company and try to find the advertising agency that may have purchased the rights or hired the photographer.
- Contact PACA, the Picture Archive Council of America. PACA has implemented a low-tech solution to assist buyers in finding the creator of an image that does not contain author attribution. When a buyer has an image without copyright information, they simply email a copy of the Orphan Work to orphansearch@pacaoffice.org. The email is validated by the moderator (a PACA staff member) and automatically sent out to all PACA members and affiliated associations.
- Search by keywords using information about the subject of the image at various stock agency sites to try and find the image by subject matter.

OTHER PROFESSIONAL ORGANIZATIONS THAT MIGHT BE HELPFUL TO CONTACT

- American Society of Picture Professionals (ASPP) <http://www.aspp.com>
- British Association of Picture Libraries & Agencies (BAPLA) <http://www.bapla.org.uk/>
- Coordination of European Agencies Press Stock Heritage (CEPIC) <http://www.cepic.org/>
- North American Nature Photography Association (NANPA) <http://www.nanpa.org/>
- Picture Archive Council of American (PACA) <http://www.pacaoffice.org>
- Society for Photographic Education (SPE) <http://www.spenational.org/>
- Stock Artists Alliance (SAA) <http://www.stockartistsalliance.org/>

Once you have exhausted a search using these resources, consult legal counsel about the business risks associated with using the work or not. If you do determine that the risk of infringement is low, be sure to maintain in writing what steps you took to locate the copyright owner and the date you took those steps.

Steps to take going forward will depend upon current legislation related to Orphan Works. Be sure to consult the latest legislation. One place to check is the American Society of Media Photographers' website http://www.asmp.org/news/spec2008/orphan_update.php.

It is likely that there will be additional databases that will enable searches of images and other technological measures to assist in facilitating the search. For example, the software company Idée is beta testing TinEye, a new image search engine on the web using image identification technology. Go to <http://www.ideeinc.com/products/tineye/>

This document will be updated as needed to include other measures as they become available.

FINE ART

When searching for fine artists or trying to clear rights for works of fine art, the following links are helpful:

- Artists Rights Society (ARS) <http://www.arsny.com/>
- AIGA <http://www.aiga.org>
- Graphic Artists Guild (GAG) <http://gag.org>
- Visual Artists and Galleries Association (VAGA) <http://www.vaga.org/>
- Illustrators' Partnership of America (IPA) <http://www.illustratorpartnership.org/> (Go to "Gallery" to find an illustrator);
- Society of Illustrators (SI) <http://www.societyillustrators.org/index.cms>
- Check the WATCH File – Writers, Artists and their Copyright Holders, a searchable database of names of creators. <http://tyler.hrc.utexas.edu/>
- Check *Art in America* magazine's August issue, an annual directory of museums, galleries and artists

This document should not be relied upon to determine if the steps you have taken are sufficient. Since there is no current legislation that permits the use of a work if the owner cannot be located and any legislation will not be retroactive, the fact that you have tried to locate the owner and did not succeed is not a defense to a claim of infringement by an emerging copyright owner. The copyright owner could seek monetary damages as well as an injunction to prevent the future publication of the work in certain circumstances. If the work is registered, the owner can also seek statutory damages and attorney's fees.

The American Society of Picture Professional (ASPP) is a community of image experts committed to sharing their experience and knowledge throughout the industry. This non-profit association provides professional networking and educational opportunities for those who create, edit, research, license, manage or publish pictures. For more information go to www.aspp.com or contact the Executive Director Cathy Sachs at cathy@aspp.com