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Finding an unauthorized use of your photograph on the web is upsetting. But what can you do about it? You can contact an attorney for assistance. But if you haven’t registered your photo in advance of the infringement, then you won’t be eligible for statutory damages. Attorneys will take such cases on contingency only under certain circumstances. It then will cost a lot to pursue the infringement when paying the attorney an hourly fee. In the alternative, you can send a cease and desist and/or a demand for payment yourself to the infringer. But such letters are often ignored.

Fortunately, the Digital Millennium Copyright Act (DMCA) gives you another option. Enacted in 1998, the DMCA implemented treaties signed at the 1996 World Intellectual Property Organization (WIPO) Geneva conference. It addresses many issues, one of which affects photographers directly in this situation. The DMCA states that while an Internet Service Provider (ISP) is not liable for transmitting information that may infringe a copyright, the ISP must remove materials from users’ websites that appear to constitute copyright infringement after it receives proper notice. Unlike other copyright infringement remedies, your copyright does not have to be registered with the U.S. Copyright Office for you to take advantage of this DMCA provision.