

# Can you copyright your manuscript, photos and illustrations on one copyright registration?

CopyrightTips from experts\* at CopyrightsNow.com

Question: You finished your manuscript and hire an illustrator or photographer to create illustrations/photos for your book. So, who owns the work product? And how do you copyright your book?

The answer depends on who has 'ownership' of each creative element (i.e., illustrations, photos, etc.) and whether ownership gets transferred to you or stays with the original creator.

You may be thinking that using some photos or illustrations are 'No Big Deal'... but if your book is a 'winner' and earns lots of money... that's when the 'wolves will come after you'... and may demand royalties or a license or even sue you for copyright infringement and money damages for using their work!

So, it is always best to be pro-active and have a written understanding of who owns the 'rights' to each element you use with a written document to avoid future legal entanglements!

There are two basic situations in using another's work:

- (1) You <u>use</u> the work with permission (but <u>don't own</u> copyrights)
- (2) You <u>own</u> the all 'rights' to the work under a 'Work-for-Hire' agreement and <u>own</u> the copyrights

Each situation requires different procedures to properly define intellectual property ownership and for filing your copyright registration to protect your work as a whole.

Making a mistake can invalidate your copyright protection and expose you to legal liabilities. *(Learn more)* 

Copyrights can be very confusing - especially if you have elements in your book that are created or contributed by others: such as illustrators or photographers or licensed stock-art.

If you create all elements in your book yourself (i.e., story, illustrations, art and/or photos) then you own all 'rights' to these elements. And if they are packaged as one Work, then you can copyright protect all these elements on one copyright registration.

However, if you only create the story (i.e., text) and some elements - and used illustrations, art and/or photos or stock-art in the book or book cover or sleeve from other sources -then then you can't claim copyrights on those other contributions unless those 'rights' were assigned or transferred to you under a 'Work-for-Hire' or other written agreement\*

# <u>Situation (1) - You use work created by another entity with permission</u>

You can use content created by others as part of your book if you have permission or a license (in writing) from the creator or stock-art house and you *exclude* claiming copyrights to those contributions.

Since some illustrations and/or photos included in your book were created by other *entities* (i.e., illustrator, artist, photographer, or stock-art) then you need to limit your copyright registration by excluding these other contributions as 'Pre-Existing 3<sup>rd</sup> Party Material' (see Fig 1). Note: The contractor who created the work does not get listed on the registration - only the type of work.

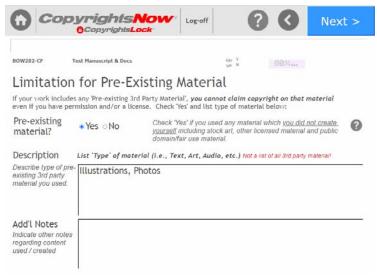


Fig 1: Sample screenshot showing 'Limitation for Pre-Existing Material' for contributions not covered under 'Work-for-Hire' Agreement

### <u>Situation (2) - You own the rights to the work created by another entity (individual or company)</u>

Copyright ownership of a creative work automatically rests with the person or entity who creates the work, unless there is a written agreement such as a 'Work-for-Hire' or Assignment Agreement which transfers 'rights' to you.

Accordingly, you could use a 'Work-for-Hire' Agreement which defines the relationship between the parties and the work created under the agreement; and transfers of ownership of <u>all rights</u> to you (as the Client). In this case you actually list yourself as the 'Author' of the work for copyright purposes.



Fig 2: Excerpt from a Sample 'Work-for-Hire' Agreement (Note: Always have your own attorney review and customize your legal documents)

# Examples of Copyright treatment for Illustrations and/or Photos created under a Work-for-Hire' Agreement

Under a 'Work-for-Hire' agreement, you treat contractor creative contributions (i.e., illustrations, photos, etc.) as your own - and list them as Author contribution.

#### See sample screenshot using CopyrightsNow

For Author Information include the Type of Contribution as Author Contribution (Fig 3):

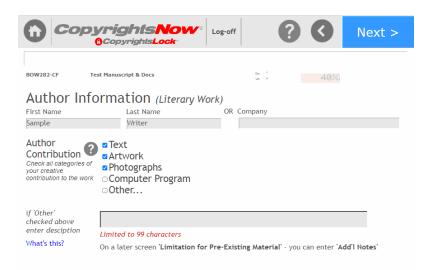


Fig 3: Sample screenshot of Author Contribution for 'Text', 'Art' and 'Photos'

Select 'Yes' or 'Work-for-Hire' (Note: the contractor who created the work is <u>not</u> listed on the registration (Fig 4).

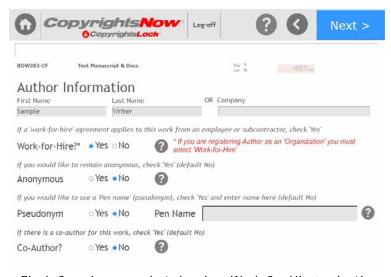


Fig 4: Sample screenshot showing 'Work-for-Hire' selection

Under 'Limitation for Pre-Existing Material', select 'No' - unless there are other creative elements not covered by 'Work-for-Hire' agreements (Fig 5).

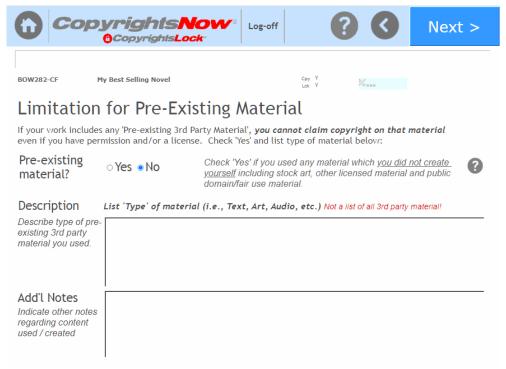


Fig 5: Sample screenshot showing 'Limitation for Pre-Existing Material' for contributions covered under 'Work-for-Hire' Agreement

Using CopyrightsNow® is DIY software which provides a fast and easy way to file your copyright registration, including: A personalized dashboard, On-line HELP for all screens, detailed 'Use-Case' procedures and Specialist review to check for potential issues that can delay processing by the U. S. Copyright Office.

As a CopyrightsNow client, you can access a *Free 'Work-for-Hire' Sample* 'fill-in-the-blanks' Agreement for your use and review/customization by your attorney.

For more information on copyright registration and 'Work-for-Hire', see: https://www.digi-rights.com/drights/blogs/Blog\_04a\_Work-for-Hire.pdf

To start your copyright registration protection, click to <u>learn more!</u>

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