We are a wife and husband team of extensively published professional photographers. Our professional work has, since 1976, been consistently published with our dual credit for we create photographs that are "joint work", totally compliant with the legal definition of "joint work" in the copyright act.

- *a "joint work" is a work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole*.

Our professional relationship is based on that assumption of fact. We make joint decisions regarding the subjects we choose to pursue, the tools and techniques we employ. We pass our cameras from one to the other and help each other make images. We jointly process and edit our work. These decisions are as important a creative contribution as the decision to press the shutter, for they greatly determine what may reach the marketplace and be published.

Thanks to digital technology, it is now financially feasible to register large bodies of our previously published work, all of which was created jointly.

Unfortunately, the COMPENDIUM OF U.S.COPYRIGHT OFFICE PRACTICES , Third Edition, advises that group registration of published photographs is specifically restricted to individual photographers and makes no allowance for “joint works”.

1116 Group Registration of Published Photographs
This Section discusses the U.S. Copyright Offices practices and procedures for registering a group of published photographs.
...
1116.1 Eligibility Requirements
A group of published photographs may be registered with the U.S. Copyright Office, provided that the following conditions have been met:
- *All the works in the group must be photographs.*
- *All the photographs must have been created by the same individual.*

And yet in no other section of the copyright registration process is this restriction to a sole individual mandatory for registration.

The copyright act clearly anticipates joint works in visual arts in the following:

§ 106a · Rights of certain authors to attribution and integrity (b) Scope and Exercise of Rights. Only the author of a work of visual art has the rights conferred by subsection (a) in that work, whether or not the author is the copyright owner. The authors of a joint work of visual art are co owners of the rights conferred by subsection (a) in that work.
...

(3) In the case of a joint work prepared by two or more authors, the rights conferred by subsection (a) shall endure for a term consisting of the life of the last surviving author.

The requirement option suggested in 1116.7 for registering published photographs by multiple authors places undue financial burden on a small professional entity such as ours, photographers who have produced and published large numbers of photographs over the years as “joint works”.

1116.7 Photographs That Do Not Satisfy the Group Registration Requirements

… the applicant may register a particular photograph on an individual basis. Specifically, the applicant may prepare a separate application, filing fee, and deposit for each photograph and may submit these items through the electronic registration system or with a paper application.

At present, the filing practices of registering published photographs with the Copyright Office effectively stifle the ability of two US citizens — us — who produce photographs as “joint works” by preventing them from having the same access to copyright protection of their published creative endeavors as individual photographers, or as any other entity that may have multiple authors seeking copyright protection for published works of visual art. Please allow authors of published photographs produced as “joint works” the same rights to register their claims as those granted individual photographers. This is our livelihood which we must protect.