

## **Comments on behalf of the Picture Archive Council Of America**

The Picture Archive Council of America, Inc. (“PACA”) appreciates the Copyright Office’s efforts over the years to assist photographers and their representatives in the registration of photographic works, including the recent interim regulations regarding electronic registration of automated databases that consists predominantly of photographs and group registration of published photographs (the “Regulations”).

PACA concurs with the proposed amendment to the Regulations that would require the deposits for such database registrations to include the image for each photograph in which the copyright is claimed. While the regulations for databases have always permitted deposits of less than the full material claimed, the practice with registering databases of photographs that provide for registration of the individual photographs included in the database has been to submit for deposit copies of all photographs included in the application. PACA has always recommended that all images be deposited with the Copyright Office. We agree that a deposit that includes all photographs submitted provides a better record. In addition, it would be helpful in any proceeding in which the copyright owner is relying on either a group registration of photographs or a database registration consisting primarily of photographs, that the works deposited be accessible upon request and freely searchable to easily establish that the individual photograph or photographs infringed is part of the database or group registration. This would avoid unnecessary disputes over whether the particular photograph is within the scope of the registration.

We thank you for your efforts and assisting photographers and owners of photographic images in providing registration processes that are not unduly burdensome for those creators whose medium of expression permits the creation of numerous works that cannot be effectively registered on an individual basis.

These comments are submitted on behalf of the Picture Archive Council of America, the trade association of entities and individuals that archive, distribute, and license photographs.

Respectfully submitted,

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