



LEGAL ISSUES IN PHOTOGRAPHY

([Law + ArtWorks](#) is happy to provide this basic information. Needless to say, this does not constitute legal advice or set up any attorney-client relationship.)

Photographing a Public Building or Space -

If shooting a building constructed before 12/1/1990, there are almost no copyright concerns. However, buildings constructed after that date can be subject to copyrights themselves. Generally, if you photograph a building from a public place, the use is allowed, However, certain artistic uses may be infringement. For more information, go to:

[American Society of Media Photographers -Photos of Public Buildings](#)

[NOLO - How Copyright Law Applies to Photos of Buildings and Architecture](#)

Releases

Figuring out when you need a release for a work can be confusing, and not doing so may set yourself up for trouble later on. For information about releases, as well as some samples go to:

[American Society of Media Photographers - FAQs](#)

[New York Institute of Photography Basic Model Release](#)

What are Copyrights?

Copyrights include the right for the owner to : (1) reproduce the work (2) prepare derivative works based on the copyrighted work (3) distribute copies of the work to the public for sale/lease/ ownership/rent (4) display the copyrighted material publicly. [17 U.S.C. §106](#)

Copyright Registration

Registration isn't required for copyright protection. The moment you snap a photo, it is protected by copyright. However, those rights are best protected by registration. Registration requires: (1) an application (2) non-refundable filing fee (3) non-returnable deposit (of a copy of your work, to be housed in the Library of Congress). Find more information at: [Copyright Basics](#)

Fair Use

Section 107 of the Copyright statute says that even though creators have exclusive rights, it is not infringement if their work is used for certain purposes, like comment, criticism, news reporting, teaching, scholarship, or research. Courts consider a number of factors to determine if the use fits such purpose. Works which are public domain may be used for any purpose, regardless of purpose. Find more info at:

[“Can I Use That Picture” Flow Chart](#)

[Columbia University Fair Use Info](#)

Drone Use for Photography

Commercial Use of Drone Photography

Drone must be registered with the Federal Aviation Administration (FAA). New drone laws set forth by the Federal Aviation Administration apply to the commercial use of drones. These laws apply to drones that weigh just over half a pound (.55 pounds) up to big aircrafts weighing up to 55 pounds,

There are 3 main new provisions to Commercial Drone Law

1. No longer can commercial drones fly over groups of people.

- a. This is a problem for wedding photographers who may have been using drones to capture a unique angle.
2. Commercial drones also now need to remain within view of the operator at all times
 - a. This is problematic for photographers who wish capture difficult to access location points or long distance flights.
3. Not allowed to fly the drones at night

Pilot Requirements for Commercial use of Drones

- Must be at least 16 years old
- Must pass an initial aeronautical knowledge test at an FAA-approved knowledge testing center.
- Must be vetted by the Transportation Safety Administration (TSA)

Recreational Use of Drone Photography

Even though you may be using the drone for your own recreational use, there are still regulations that recreational drone users must abide by.

- Fly at or below 400 feet
- Keep your UAS within sight
- Never fly near other aircraft, especially near airports
- Never fly over groups of people
- Never fly over stadiums or sports events
- Never fly near emergency response efforts such as fires
- Never fly under the influence
- Be aware of airspace requirements

Recently the case of Taylor v. Huerta struck down the FAA's regulation that recreational drone users had to register their aircrafts for use.

North Carolina Drone Photography Laws

N.C. Gen. State § 63-96 has been revised so that the operator rules in North Carolina are the same as those set forth by the Federal Aviation Administration.

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_63/GS_63-96.pdf