
**BEFORE THE
U.S. COPYRIGHT OFFICE**

WASHINGTON, D.C.

**COPYRIGHT OFFICE FEES
91 FED. REG. 13,13529 (MAR. 20, 2026)
DOCKET No. 2026-2**

**COMMENTS OF THE
NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION**

**MICKEY H. OSTERREICHER, GENERAL COUNSEL
ALICIA WAGNER CALZADA, DEPUTY GENERAL COUNSEL**

NATIONAL PRESS PHOTOGRAPHERS
ASSOCIATION

120 Hooper Street
Athens, GA 30602
Phone: 716.983.7800
Fax: 716.608.1509
lawyer@nppa.org
advocacy@nppa.org
<http://www.nppa.org>

May 4, 2026

COMMENTS OF THE NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION

The National Press Photographers Association (NPPA) urges the Copyright Office to delay any increase in registration costs for group registration of photographs until modernization of the registration process is complete and the Office has had time to update its economic assessment based on the true costs of registration in light of modernization, which, unbelievably, is still not complete eight years after the last fee increase proposal.

As the *Voice of Visual Journalists*, NPPA appreciates the opportunity to submit the following reply comments in response to the [notice of proposed rulemaking](#) (“NPRM”) published by the U.S. Copyright Office in the Federal Register on March 20, 2026, regarding the Copyright Office’s proposed adoption of a new fee schedule for its services. NPPA is a 501(c)(6) non-profit organization dedicated to the advancement of visual journalism. NPPA represents thousands of professional photographers, photojournalists, and visual storytellers who rely on copyright protections to sustain their work and to ensure the continued documentation of matters of public concern. Our members include staff photojournalists, freelancers, and small independent publishers working across local, national, and international news environments.

Visual journalists create thousands of images each week. The only reason they register their images is that doing so enables them to enforce their copyright. Without registration in advance of an infringement, meaningful remedies, such as statutory damages and attorney’s fees, are out of reach. But of course, photographers rarely know which images will be infringed, which forces them to make a significant investment in the cost of registration, just to maintain control of their copyrighted works. The foundation of the registration system, as a legal necessity for being able to meaningfully protect one’s copyright, is fundamentally unjust.

While NPPA recognizes that periodic fee adjustments may be appropriate under 17 U.S.C. § 708, the proposed increases as currently structured are neither fair nor equitable. They also reflect a continuation of analytical approaches that NPPA and others challenged in prior fee proceedings nearly a decade ago. The Office has not meaningfully addressed those concerns in the years since, or here.

As reflected in the Copyright Alliance’s contemporaneous comments, which NPPA endorses and incorporates, the proposed increases fail to adequately account for the economic realities of visual journalism and the behavioral impact of price increases on high-volume creators.

I. THE PROPOSED FEE INCREASES FAIL TO ACCOUNT FOR REAL WORLD CREATOR BEHAVIOR OR ITS PRIOR RECORD

The NPRM relies on generalized assumptions about registration behavior that do not reflect the practices of visual journalists and other high-volume creators.

Visual journalists routinely generate hundreds or thousands of images within compressed time frames, often under deadline pressure and without any meaningful ability to predict which images may later acquire economic or legal significance. As NPPA explained in prior fee proceedings, registration decisions in this context are not made on a per-work basis, but rather as a forward-looking risk-management strategy applied across entire bodies of work.

That core premise has been repeatedly placed before the Office in prior rulemakings and remains unchanged.¹ Yet the NPRM does not meaningfully engage with it. Instead, it continues to analyze fees as if creators evaluate the cost vs. benefit of registration on a per-work basis. For high-volume creators, that assumption is incorrect and leads to materially flawed conclusions. Even modest increases, when multiplied across large numbers of works, produce behavioral effects far beyond those anticipated by the Office’s analysis. NPPA previously cautioned that such increases would discourage participation. The NPRM does not demonstrate otherwise.

The financial outlook for visual journalists has only grown bleaker. For independent photojournalists, a vibrant and effective copyright system is essential to enabling them to do their important work. The system is not effective when registration is out of reach for so many.

II. INCREASING FEES WILL FURTHER DEPRESS REGISTRATION RATES

Photographers have indicated that the current registration cost is a significant deterrent, and the proposed fee increases come at a time when participation in the registration system is already under strain. When the Copyright Office imposed a 750-image limit on group registrations in 2018, it

¹ See, e.g., COALITION OF VISUAL ARTISTS – COMMENTS IN RESPONSE TO U.S. COPYRIGHT OFFICE, NPRM RE COPYRIGHT OFFICE FEES, 37 CFR 201, Docket No. 2018-4, Fed. Reg.: 2018-24054, Vol. 83, No.101 (May 24, 2018) (“2018 COVA comments”).

functioned as a *de facto* fee increase.² One member told us that since the limitation was imposed, they have almost entirely stopped registering and only do so when faced with infringement.

As noted in the contemporaneous Copyright Alliance comments, in a survey conducted by the Copyright Alliance last month (“CA Survey”), of over five hundred (500) creators of all types, forty-four percent (44%) of respondents reported that they have not filed a copyright registration application with the U.S. Copyright Office within the last five (5) years.³ The number one reason provided for not registering remains that “it’s too expensive.”⁴ More photographers than any other professional category participated in the Copyright Alliance survey.

Although registration remains a prerequisite for certain legal remedies—seventy percent (70%) of respondents to the CA Survey said they register to be eligible for statutory damages and attorneys’ fees—the practical value of those remedies has diminished for many creators. Although the Copyright Claims Board is now an option for pursuing infringements, the CCB is an opt-out procedure and is not always available to pursue infringers who ignore take-down letters or requests for payment for unauthorized uses. Federal litigation is beyond the reach of most photographers and visual journalists. As a result, registration functions less as a pathway to enforcement and more as a limited form of risk mitigation and leverage in settlement negotiations.

For high-volume creators, the impact is especially pronounced. Fee increases operate at scale, not at the margin, and will lead to reduced registration frequency or complete withdrawal from the system. This is not speculative. It reflects the same behavioral dynamics NPPA identified in prior comments and in the CA Survey results.

III. GROUP REGISTRATION FEE INCREASES DISPROPORTIONATELY BURDEN PHOTOGRAPHERS

The proposed fifty-five percent (55%) increase for group registration of photographs (both published and unpublished) raises significant concerns for NPPA members.

² *Id.* at p. 27.

³ Copyright Alliance, *Copyright Registration Fee Survey* (2026) (on file with the Copyright Alliance).

⁴ Of those creators who reported having not filed a copyright registration application with the U.S. Copyright Office within the last 5 years, 40% said that they have not done so because “it’s too expensive.” For this question, respondents were permitted to select as many responses as applicable. See *id.*

The Office again relies on a cost-per-work framework to justify these increases. NPPA and others have explained why this framework is misleading as applied to photographers, and those concerns remain unaddressed.

Because it is impossible to predict which images may later be infringed or acquire value, photographers register works in bulk to preserve potential remedies for a small subset of images. The cost of registration is therefore effectively borne for the benefit of only a limited number of works. Dividing the fee across all works in a group obscures this reality and understates the economic burden on creators. This repeated approach by the Office creates a false sense of value that is divorced from reality. Unless a specific image is under a specific threat, photographers typically either register their work as policy or don't. They do this by integrating registration into their workflow or not. As a result, the decision is influenced not by the per-image cost, but by the annual cost and impact on their budget.

The NPRM does not engage with this critique or offer an alternative framework that reflects actual creator behavior. Instead, it repeats an analytical approach that has been repeatedly challenged. For visual journalists, who produce large volumes of work tied to events of public concern, the result will be more photographers deciding it doesn't fit their budget, fewer registrations of news imagery, and a corresponding weakening of both individual rights and the public record.

IV. PROPOSED INCREASES FOR NEWS WEBSITE REGISTRATIONS ARE PARTICULARLY PROBLEMATIC

Many visual journalists are employed by or have newspapers as clients. Protecting copyright in news content is critical to the industry's survival. The proposed two hundred sixty-eight percent (268%) increase for group registration of updates to news websites reflects a fundamental misunderstanding of how news is produced and published.

News publishing is inherently iterative. Photographs and related content are frequently updated, corrected, and republished as events develop. These updates are not discretionary. They are integral to accurate and responsible journalism. News organizations face an existential threat from copyright theft by artificial intelligence companies, and their primary tool to fight back is copyright. If the Copyright Office makes it harder for news organizations to register their work, it will reduce copyright enforcement and, by extension, encourage and enable more piracy.

V. THE NPRM MISCHARACTERIZES “CORPORATE APPLICANTS”

The NPRM suggests that higher fees are justified because certain registration options primarily serve “corporate applicants.” NPPA challenges this characterization. Many photographers operate as single member LLCs or similar entities for liability or tax purposes. Photographers who are more likely to register are similarly more likely to create corporate business structures for their companies. It doesn’t mean those companies or their owners are wealthy. These creators are not economically comparable to large media organizations. Treating them as such for fee-setting purposes ignores the realities of the modern media landscape and imposes disproportionate burdens on freelancers and small publishers.

The NPRM provides no new evidence to support the assumption that corporate copyright registrants are wealthy.

VI. FEE INCREASES SHOULD NOT PRECEDE MEANINGFUL MODERNIZATION

NPPA continues to support the modernization of the Copyright Office’s systems. However, the sequencing proposed here is inappropriate, as NPPA has previously explained.

In 2018, NPPA and its allies emphasized that creators should not be asked to pay more for a system that has yet to deliver meaningful improvements.⁵ That concern remains. The dual impact of a fee increase prior to meaningful modernization for photographers is that registration remains expensive, both in terms of cost and time lost. NPPA has never seen a government agency raise fees and then lower them when the process becomes more efficient, so it is difficult to imagine that the proposed fee increase will come back down to earth after modernization presumably makes the Office’s back-end registration processing more efficient.

The current registration system remains time-intensive and poorly aligned with modern creative workflows. It also remains a burden for the Office. Increasing fees in advance of demonstrable efficiencies effectively shifts the burden of modernization onto users without providing corresponding benefits. The NPRM does not explain why this approach is justified, particularly given prior expressed concerns. As NPPA and its allies argued in 2018, the solution to registration inefficiency is better software, not penalizing photographers for the delay in implementing it.⁶

⁵ 2018 COVA comments, generally.

⁶ *Id.*

Having made this point eight years ago, we are a bit stunned that modernization is still not complete. Photographers should not bear the burden of this delay.

We propose that the Office suspend or reverse any fee increases for group photo registration until meaningful modernization is implemented and a more realistic and valid economic cost analysis is completed. Only after modernization is complete—and both registrants and the Office have had time to work out the kinks—can the true cost of group registration of photographs be assessed. Until then, the economic cost estimates are based on fundamentally flawed information.

VII. CONCLUSION

The proposed fee increases are once again based on faulty analytical assumptions and do not account for the promised efficiency gains from modernization that photographers have been waiting for over a decade. Theories that assume value on a per-image basis are not grounded in the realities of high-volume creators and will predictably reduce participation in the registration system.

For visual journalists, copyright registration is a critical safeguard that supports independent newsgathering and the creation of an unfiltered visual record of events of public concern. Policies that discourage registration of such work undermine both economic sustainability and public accountability.

NPPA therefore urges the Office to reconsider the proposed fee increases. Further, we ask the Office to fully engage with photographers, to ensure that any revised fee structure reflects the actual behavior and needs of high-volume creators before implementation, and delay increases until the modernization process for group registration of photographs is complete.

Respectfully submitted,

Mickey H. Osterreicher
Alicia Wagner Calzada

NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION
120 Hooper Street
Athens, GA 30602
Phone: 716.983.7800
Fax: 716.608.1509

lawyer@nppa.org

advocacy@nppa.org

<http://www.nppa.org>