

ASMP Bulletin

APRIL 2000



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MEDIA PHOTOGRAPHERS, INC.**

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ASMP was founded in 1944 to promote high professional and artistic standards in photography and to further the professional interests of its membership by disseminating information on a range of subjects and concerns. ASMP has a membership of more than 5,000 of the world's finest photographers.

The ASMP Bulletin is published 10 times/year by ASMP, The American Society of Media Photographers, Inc., 150 North Second Street, Philadelphia, PA 19106. Ph: 215-451-2767 • Fax: 215-451-0880. e-mail: Info@ASMP.org • Web site: <http://www.asmp.org> Member subscription is \$12 per year.

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Second class postage paid at Philadelphia, PA and additional mailing offices. Postmaster: please address changes to ASMP Bulletin, 150 North Second Street, Philadelphia, PA 19106.

Editorial contributions should be sent to The Editor, P.O. Box 652, Anacortes, WA, 98221. Unsolicited material will not be acknowledged or returned. All submissions are printed at the discretion of the Society and are subject to editing. Signed letters and editorial contributions must include a phone number.

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Printed by Ripon Community Printers, Wisconsin.

Volume 19, Number 3

ASMP Bulletin

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THE PURPOSE OF ASMP

To protect and promote the interest of photographers whose work is for publication
 To promote high professional standards and ethics
 To cultivate friendship and mutual understanding between photographers

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OUR COVER

"I want her for my running mate.!" from *Baby for President!* was photographed by Penny Gentieu. See page 31.

THE BRADSHAW CONFERENCE

ASMP leaders will gather in Aspen BY EUGENE MOPSIK

In a matter of weeks, the core leadership of ASMP — chapter and special interest group leaders and the board of directors — will be meeting in Aspen, Colo., at the Aspen Institute. This meeting (to be held May 11 - 14) has been renamed the *Bradshaw Leadership Conference* in remembrance of our friend and past president Reagan Bradshaw. Chapter leaders from all 40 of our chapters will converge on Aspen for three days of meetings, study groups, lectures, and seminars in an effort to define and promote the strategic goals of ASMP.

In previous years, chapter leaders attending the Chapter Presidents' Meeting were lectured by members of the board of directors and informed of the strategic goals and action plans of the Society. Networking and brainstorming were generally unscheduled activities occurring late at night. Many good ideas never saw the light of day and never had a proper airing in front of the assembled group. The form of the meeting contributed to an "us and them" mentality that has in some cases created a rift between the local and national leaders. Under the direction of Mary Beth McAuley and Lon Atkinson this is about to change.

In the materials sent to conference participants, Mary Beth quotes Jean Pierre Suttre, "There is no clear path, only possibility." She goes on to say: "The *Bradshaw Leadership Conference 2000* committee understands that currently there is a division among the chapter leadership about certain core issues that define ASMP. We accept that as a fact and see it as a positive omen. We also understand that we have the ideal tool already available to use in studying those core issues and redefining the goals of ASMP.

This year, instead of lectures about teamwork from national board members, we wish to gather the wisdom of the "team" from you, the chapter leaders. We wish to use your ideas, your understanding, your knowledge, and your foresight and concentrate the dialogue on these core issues of ASMP. We wish to provide a forum for face-to-face discussion so that the dialogue becomes an effective step in the process. In this way, change can really happen, because WE make it so. Specifically, we can create our own possibilities within an established industry; we can re-create our society for the 21st. Century."

Participants in the conference have been asked to respond to a questionnaire containing tough questions about the state of the photo industry, core issues for ASMP, member benefits, chapters and their structure, and ways to make positive changes in ASMP along with other issues. This information will be used as the basis for discussion. All national board members will be in attendance at the conference.



Eugene Mopsik
*ASMP president
and chairman of the board*

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It is hoped that this meeting will be a turning point for ASMP. We look forward to a new era of cooperation between our chapter leaders and directors with each understanding and respecting the perspective of the other. The collective wisdom of our leadership is our most valuable asset. The Bradshaw Leadership Conference 2000 is the first step in dedicating and applying this wisdom to solving the problems we face as working photographers in an ever-changing marketplace. This conference can truly create the map to the 21st Century. ∞

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THE BABY SHOOTER AND TSI

Why Penny Gentieu demanded an audit BY RICHARD WEISGRAU

Last month, I wrote about the conflict between ASMP member Penny Gentieu and her stock agency, Tony Stone Images (TSI), one of the stock agencies held by Getty Images. For those of you who missed the article, if you do not have that issue of the *Bulletin* on hand, you can get a copy of from ASMP's site: <http://www.asmp.org/publications/library/articles/13.html>. That article created a lot of interest and I received more e-mails asking to be kept informed of the situation than from any other article I have written for the *Bulletin* in 12 years. Frequently requested by members were more details about what possessed Penny to demand the audit. This article will try to answer that question. First, you should know that Penny did not sign the 1998 contract offered by TSI and Getty. Therefore, her 1993 contract continues to apply to her relationship with TSI, and her 1993 contract gave her a right to an accounting, which the 1998 contract does not.

In her personal notes, Penny has articulated her initial feelings about demanding the audit: "It was not an easy decision to make, to audit Tony Stone. I thought about it for a long time. Although it is a business relationship, it is a personal relationship too, and both relationships were very important to me. One day, after several frustrating conversations with accounting, I got angry at (names deleted) and demanded that I be paid for a 6-month-old \$8000 commission that I knew must have been paid to them already because I had been seeing the photo in use for months. Obviously, I was speaking their language because the money was in my next check."

That was a pivotal point for Penny. She had noticed discrepancies in the reporting of her account for a long time, but she chose not to pursue them. Then, as her sales declined in spite of her image count with TSI increasing, she began look at the details of reports more closely. She was looking for some clue as to why her sales

were dropping. She began to scrutinize her statements, and she discovered accounting errors which she reported to TSI. She received excuses and apologies for them. She also began to see an alarming situation. Again, her notes speak eloquently to the discovery: "I discovered that sales were routinely canceled and reissued for more rights but for no more money. Close to, or after, the rights dates were over, sometimes for years more time! I discovered cancellations long after use!"

What Penny was discovering was that TSI had, on many occasions, changed the terms of licenses, granting more rights for the initial fee after the original license had or was about to expire. Licenses to images already published were being canceled. These were not bad debt deductions, but cancellations. She found other problems too, but let's look at the impact of the cancellations.

Penny systematically analyzed her statements and tabulated the sales reported and the deductions supposedly for cancellations. She examined the reports of all TSI offices that had licensed her images. In one

analysis of sales on a best selling picture, she discovered that the New York office had deducted 28 percent of her license fees by cancellations. In London it was 13 percent. In Hamburg it was 35 percent. In Paris it was 19 percent. In Belgium it was 11 percent. In Sweden it was 10 percent. In Mexico it was 100 percent. She found that TSI was not charging any cancellation fees to these clients, as every sales slip sent to licensees requires. So, when the cancellation was subsequent to use, she received no royalty, and when it was prior to use she received no share of a cancellation fee, in spite of the fact that her images were being used or being held out of the market by TSI's practices.

"Our lives
begin to end
the day we
become silent
about things
that matter."

Dr. Martin Luther King, Jr.

When the bad debt deducted for failed collections was added, the news was more upsetting. For example, London reported a 9 percent loss of revenue from bad debt. In Hamburg it was 19 percent. And so it went. She was seeing less revenue, despite the fact that TSI was accepting more images. Either TSI was canceling reported sales or failing to collect fees. So, she asked for explanations, and she couldn't get them. Then, she asked for an audit.

cont. on p. 23

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CHANGES AT LIAISON

Getty Images strikes again BY RICHARD WEISGRAU

Liaison, an agency with excellent credentials acquired over years of outstanding performance, was purchased by Getty Images more than a year ago. Liaison presented a good working arrangement for its photographers, all independents, like ASMP members. The latest news ASMP has received makes us wonder about the future of that relationship. It seems that Liaison has finally been "GETTYIZED."

As reported to us, Jonathan Klein, Getty's CEO, has indicated in the past that most of Getty's sales are now of images to which it owns the rights, and that the

obstacle to greater profits for Getty was the royalties it has to pay to photographers. We know that Getty's current contracts and practices in their stock operations minimize their liability to photographers. Now we see it happening in their assignment operations, such as Liaison.

In a letter sent to Liaison photographers in January 2000, we found these important tidbits:

"In order to compete more effectively, we have hired staff photographers in Washington DC, Los Angeles and New York. We expect to hire more photographers on both a full time and a contract basis in other cities in coming months. We will continue to work with freelance photographers as in the past, but a photo staff is a part of our future."

ASMP's interpretation: Getty is going to replace freelance photographers with staff and contract photographers so it can own all the rights to the images it markets and make more money. It is starting in the larger cities where it covers the most subjects. It will then work its way through a list of cities. Freelancers will eventually be assigned to get the leftovers and excess that staff cannot cover.

"As of April 1, 2000... photographers covering news and events must be capable of scanning their images and sending their photos to our electronic picture desk... You shoot and scan your images or work with a professional digital camera, but as of April 1 we will not accept unprocessed or unedited film from news or event cover-

age unless you have first discussed it with an editor. You will be required to send high resolution captioned scans via the internet. An editor will let you know if we need to receive the original for additional usage."

ASMP's interpretation: Photographers have to invest \$5000 or more to work with Getty, but Getty is not going to raise the return photographers receive. Getty gets the benefit of photographers' new digital capability, but photographers pay for it and get nothing in return but the right to continue to supply Getty.

"And we are re-building our international distribution to eliminate the middleman and take greater control of our sales and distribution."

ASMP's interpretation: Getty is using digital, on-line technology to reduce costs and increase profits and control access and rights, which means increased profits for Getty. It is eliminating the middleman and the power of its contributing photographers, while reducing the compensation it has to pay to photographers.

In 1995, ASMP published a special *Bulletin* about the MP©A. That *Bulletin* described an eventual MP©A service we termed a virtual wire service. We envisioned ASMP members sending in scanned images of news and events to an on-line service, and receiving more than 50 percent of the sales fees from licensing that work, while the photographer retained the rights. In 1996, ASMP's board authorized by policy that MP©A could represent editorial photographers in assignment work.

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Shortly thereafter, MP[©]A came under heavy political attack. The plans were laid aside in the interest of peace within ASMP.

However, the authorization to act still stands and related operations are simply dependent upon a management decision to proceed. It might be time! With scanning and transmission capability readily available to most photographers, taking a collective approach to sales and distribution of news and events coverage is not unrealistic. Yes, it might be time to act.

CORBIS ACQUIRES SABA PRESS

Corbis has purchased Saba Press Photo, a well established stock and assignment agency for news photography and photo-journalism. No information was available

on the purchase price. With this acquisition, Corbis is reported to have 65 million images in its collection, of which 2.1 million are online.

Getty, with its recent purchase of Visual Communications Group (including FPG), is reported to have 70 million images (no information about the # online).

It seems that Getty and Corbis continue the race for dominance and diversity. It is hard to see any eventual winner here. I suspect that what we end up with is a two headed monopoly. Three years ago, on an ABC nightly news report on Corbis (Getty wasn't a player then) I was asked what potential danger I saw in growth of Corbis. I answered that it had the funding and power to become a monopoly, and that monopolies eventually controlled not only

the price of what they sold, but also the price of what they purchased, since they eliminated the buying competition from other purchasers. I went on to say that Bill Gates was a predatory pricer, using his economic clout to destroy competition - so why would he have Corbis run differently than Microsoft. Since then, Getty has emerged, and its CEO, Jonathan Klein, is in my mind, as much a predator as is Gates.

In a time when it seems like the question is which BIG GUY will own you and your work, doesn't the idea of collective licensing seem more attractive? That is why ASMP is working on it. You can help, unless you think you will be better off in the long run with Corbis or Getty. ∞

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STOCK NIGHTMARE

Santa Barbara, Calif: beaches and bureaucracy BY NORMAN SKLAREWITZ

Santa Barbara just 100 miles north of Los Angeles is among the most attractive oceanside communities on the entire West Coast. It's a very upscale residential community with a picturesque downtown district and a spectacular beach and harbor. As a result, the entire community is a popular location for still photographers, among them shooters who specialize in stock. In the past they've enjoyed free rein when shooting all over the city. No more.

To shoot stock legally in Santa Barbara now requires getting permits and paying fees - probably the most complicated, confusing, time consuming and costly process imposed by any U.S. city.

Santa Barbara city and county departments recently have officially taken the position that stock photographers are commercial photographers, in the same category as those carrying out fashion and product shoots. As a result, some of the permit rules and regulations that apply to an ad agency or catalog production crew with models, motor home dressing rooms and all the rest also apply to the individual shooter toting nothing more than a bag and a couple cameras.

No one in the city accuses still shooters of causing problems or seeking special access. There is no record of any "confrontation" between a shooter and authorities. However, the city takes the position that a stock shooter is engaged in a commercial activity and thus is required to comply with local permitting rules and regulations.

What makes that premise even worse is that the various departments involved in dealing with photography not only operate independently but each has different requirements and fees. Picture this:

If a shooter strolls down State Street which is Santa Barbara's main drag planning to shoot the boutiques, outdoor cafes and other shops, he/she requires a permit from the Santa Barbara Police Department.

Farther along, the shooter comes to the Pacific Ocean and the miles of sand, breaking surf and parks lining the water's edge. To shoot there requires another, different permit from the Santa Barbara Parks & Recreation Department.

Among the more popular attractions there at the beach is Stearns Wharf jetting out into the ocean. If you step onto it to shoot, yep - you need yet another permit, this one from the Santa Barbara Waterfront Department.

Those involved with promoting tourism locally are aware that the published images made by stock shooters of all the city's attractions help attract visitors and are sympathetic to their complaints about the red tape and expense they face.

Says Debbie Barber, communications manager, Santa Barbara Conference & Visitors Bureau and Film Commission, "We understand that stock photography ultimately serves our ends as publicity for Santa Barbara. But unfortunately, our hands are tied by the permitting process. The powers that be consider that a stock

photographer is commercial photography."

Those shooters on editorial assignments are also required to get the requisite permits, but Barber's bureau at least arranges for the fees to be waived. Editorial shooters are asked to supply Barber with a list of expected locations and to make the permit requests. Then she sees to it that the fees are waived.

With so many tourists carrying cameras, often-expensive ones, one logically asks, "How does anyone know who is shooting editorial, or stock or just pictures for the family album?" The answer is, "No one does." It's quite likely that a photog can make all the images he/she wants and never run afoul of the picture police, particularly if not turned out in a photojournalist's jacket using large format equipment on a tripod.

In confidence, city officials concede that enforcement of their rules is difficult. One says, "We recognize that most transient photographers shooting stock in the city don't have the required permits and

licenses." However, a city cop, park ranger, harbor patrol type or staffer with any of the permitting departments apparently has the legal right to check on anyone looking professional.

If the shooter can't produce the required permits, he/she faces a citation or, at best, being asked to suspend shooting. "It's the city policy that anytime anyone seeking to make a profit on a photo taken in the city requires a permit," says Officer Mike Carpenter in charge of issuing permits for

"If you step onto it to shoot, yep - you need yet another permit, this one from the Santa Barbara Waterfront Department."

the Santa Barbara Police Department.

Technically, a business license is also required of stock photographers, according to the city's Finance Department. As best anyone can tell, however, only when under Park's Department jurisdiction is that particular license actually required as a condition of issuing a permit. Still, it's on the books as being required.

No one in Santa Barbara is aware that any stock shooter has posed any problem or caused any disturbance that warrants all these controls. The best anyone can come up with is that the rules governing movie, TV and still production shoots suddenly are being interpreted to take in individual stock shooters.

In fact, at one point last year (1999) when the issue of licensing stock photographers came up for discussion, someone in City Hall even suggested that stock shooters be required to make their images available to the city for its use, without compensa-

tion. No one quite knew how this was supposed to work but when word got out some local shooters raised enough ruckus that the bizarre idea was dropped. One city official calls that a period of "swirling controversy."

As things stand now, though, there is no centralized office that coordinates photographic requests or any single shooting permit system. If you want to really be legal in Santa Barbara, this is what's involved.

The police permit covers shooting throughout the city except for areas under the jurisdiction of other departments. Application for a Still Photo Shoot permit must be made, preferably three weeks in advance, to: Special Events Planning Officer, SBPD, PO Box 539, Santa Barbara, CA 93102, Ph: 805-897-2352; Fax: 805-897-2420.

The application form will be faxed back to the photog. When filled out and returned accompanied by a \$10 processing fee, a \$50 permit fee and proof of a \$1 million liability

insurance policy. The request is reviewed and when approved is returned. That approved form serves as the shooter's authority.

When it comes to capturing the sunset over the Pacific Ocean through the palm trees or over the beaches at least it won't be so expensive this year. The Parks & Recreation Department has dropped its daily permit fee of \$250, formerly levied on still shooters.

Just the same, to be in the clear, a stock shooter is required to file a request for a permit accompanied by a \$5 fee. A new requirement, however, is that the shooter must have evidence of a paid-up \$250,000 general liability insurance policy and a business license.

If the requirements are met, the shooter is free to cover the city's 37 developed parks and some three miles of beachfront. Molly Carillo-Walker, assistant director, Parks & Recreation Department, *cont. on p. 28*

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THE VANISHING PHOTOGRAPHER

Anonymity instead of credit is not a just reward BY DIRCK HALSTEAD

I recently attended the opening of the Newseum's new show on the press coverage of the national political campaigns. Prominently displayed were a number of large photographs of famous moments in past campaigns. The black and white prints bore the credit "Photograph by Corbis". It seemed peculiar to me that photographs mounted for a museum display, particularly one that was designed to tell the story of how the press covers events, would not credit the photographer who created the picture.

This prompted me to go into the Corbis Web site and do a random sample of how the agency was crediting the photographs they were selling to a worldwide audience (at \$3 a pop). I had only to go to the first set of photos that I wanted to search to come across some dismaying news. I pulled up the category of the Vietnam War. I knew that Corbis had obtained the entire Bettman/UPI library. Having served as the UPI picture bureau chief in Saigon in the mid-sixties, I was personally very familiar with many of the photographs. They encompassed a period when some of the most famous prize-winning pictures were produced by now-legendary photographers.

The first thing I discovered was that a preponderance of the Vietnam War photographs on file were the color frames by Tim Page, who had worked for UPI for a year, before going on to freelancing, mostly for Time-Life. His work was the only credited set of photographs, but it hardly touches on the brilliance of the UPI collection. When I clicked on one of the most famous photographs of the war, Kyoichi Sawada's picture of a family fleeing a fire fight, by swimming across the river, there was only a brief caption, with no photo credit. I have a particular affection for this photograph, that went on to win the World Press Award, and The Pulitzer Prize for Sawada. It seemed incredible to me that a Pulitzer Prize-winning photo would not mention the award or the photographer who made it. I then started to look for some of my photos from the UPI days; there were some there, including a few that won international prizes, but no mention of Dirck.

In fact, in the huge Corbis collection, which grows every day, there were very few mentions of photographers at all. Yes, we have the portfolios from David and Peter Turnley, giving them credit for all their photographs up to the time they signed a huge contract with Corbis. Roger Ressmeyer's collection (he was the first photo director hired by Corbis) is attributed to him, as is the collection of Ansel Adams. But for the vast majority of the images, which represent one of the largest collections in the world, the photographers'

name had simply vanished.

It made me wonder. If Corbis had obtained Matthew Brady's collection, would he have become an anonymous provider of Civil War photographs?

When Bettman acquired the UPI archives, they came with a very valuable book. It was the daily logs, meticulously maintained by then picture editor Larry DeSantis, of every photo that went into the library. I used this resource many times, by simply going back through Larry's handwritten entries which showed what photographer had supplied the picture, the file number, the story, and special notes, such as "print for contest." Whenever possible, the Bettman people tried to give the full caption information with a print, making sure to include the photographer's credit. Looking at these same pictures and captions in the Corbis on-line base, not only had the credit line disappeared, but there were major omissions and typos in the captions themselves.

Exploring the Corbis site further, this practice continued into its gallery areas, where they offer framed photographs. Major exhibits, such as *Harlem in the Jazz Age*, a series of black and white prints, offer no clue as to who the photographer was. Another prints-marketing site of some 70 framed photographs, offers few names of who the artist were.

You note that I used the word "artists". My belief is that when a collection of works are presented as collectibles, the presumption is that the photographers who produced them are indeed artists. Otherwise, why would anybody want to buy them? Once the concept of stripping photographs of their creator has begun, the inherent value in great photographs will begin to crumble. ∞

Reprinted with permission from the March edition of The Digital Journalist, [http://digitaljournalist.org].

Editor's note: A response to this article by Peter Howe of Corbis also appears on the above Web site.

"If Corbis had obtained Matthew Brady's collection, would he have become an anonymous provider of Civil War photographs."

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OIL ON TROUBLED WATERS

Another side of promotion and schmoozing BY ELYSE WEISSBERG

A few years ago I received a call from a graphic design company that needed help with repositioning themselves to their clients after a social faux pas. The owner of the design company had alienated his clients by hosting a “by invitation only” party at an out-of-the-way restaurant and bar. The problem arose when his clients discovered that it was not an “open bar” as they expected. The restaurant merely provided snacks; the guests had to pay for drinks. And, consequently, many of them felt cheated, and considered the designer was tacky to host an event like this. Obviously, amends had to be made, so the designer hired me as a consultant to “smooth over” the mistake he made.

I made calls to the creative people I knew, who were on his “invitation” list. I asked them how they felt about the designer.

Most comments were, as you would expect, negative. He needed to dig himself out of the hole he created and get back on the good side of these people.

The first thing we did was to look at his list. And while gender is not a specific thing you look for when analyzing a list, in this case it was apparent that 99 percent of the people on this list were women.

Our main objective was to get these clients to call the designer and start a dialog. Then the designer could “schmooze” and ask about the possibility of future work. But what would trigger that call? I asked him to research the cost of a single red rose in a bud vase, to be delivered by hand with an attached (self designed) note card.

Coincidentally, it was the middle of January and Valentine’s Day was four weeks away so there was time to tie in this promotion with the upcoming holiday. He sent out 100 vases each with a rose. The cost was \$5 a piece. The total cost of the promotion was \$600, including the delivery charges.

The response was soon forthcoming. Almost immediately, he received many thank you calls and the recipients were extremely flattered to receive the flower in the vase. And the designer made the most of these calls. He asked for portfolio drop off’s- and got many appointments for people to look at his book. It even landed him a few assignments with people he hadn’t worked for in the past. Most important, it helped reposition his company as “the nice guys that sent out roses.” It was a much better way to be remembered and described.

There are many different reasons to do promotion. Each serves its own purpose. It’s best to understand what you are trying to accomplish with each promotion you do. Hopefully the results of your promotional efforts will help to position you as unique and will yield you a successful response. ∞

Elyse Weissberg is a photographers’ representative and creative consultant based in New York. She can be reached at 212-227-7272 or visit her Web site at [www.elyserep.com].

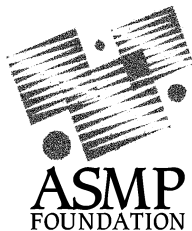
MAKE A DIFFERENCE...

There is probably nothing more important than a level playing field when it comes to running a business - an environment where competing photographers are vying for assignments based on their talent and ability to create the perfect photograph.

Armed with the right tools, the ASMP Foundation can make a difference. By educating photographers in the most professional ways to conduct business, by teaching them the true value of the images they create and by teaching them how to think like a successful business person, the ASMP Foundation can help to level this playing field. But we can’t do it without your help!

Make a tax deductible donation to the ASMP Foundation of \$15 or more and show everyone what is important to you by wearing the first in a series of one-of-a-kind lapel pins. You know you care, you know you’re in this business for the long haul - show it by writing a check and proudly wearing this pin. Then they’ll know.

ASMP FOUNDATION
150 North Second Street
Philadelphia, PA 19106



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EP BREAKTHROUGH

Major industry change: new Business Week deal BY SETH RESNICK

The business model of editorial photography has changed dramatically over the years for both the photographer and the magazine. Unfortunately the model has placed more money and more rights in the hands of the magazines and less in the hands of photographers. I am happy to announce today a change with the business model of a major publication that acknowledges the needs for all parties to benefit. By now everyone is aware of the foundation of EP and what was a tumultuous relationship with *Business Week*. What many of you don't know is how quickly a tumultuous start took a turn for positive change and win for all. Change does not happen over night especially in a corporation as large as McGraw Hill. First there were changes in the day rate. I was quick to point out that it was the start.

Many of you were critical that it was too little too late. The communication channels remained open and friendly. Soon came a change in the space rate and eventually came a change in reprint rates. While many of you appreciated the efforts and the change that followed some were still critical of *Business Week*. I have always maintained that deals take a long time to make a win-win for both sides and have always said that change was not finished.

Personally, I have spoken to Larry Lippmann, *Business Week* photo editor, about issues for nearly a year on an extremely friendly note with a positive outlook. There have been focus groups, meetings and continued talk all of which were necessary in the corporate world.

In particular we discussed for nearly a year a change in the actual model of editorial photography. *Business Week* has now taken the initiative to change the model and as president of EP they have my full support and I fully endorse this new model which I will outline below.

This model may have some minor changes but this is the basic

premise for the new model which should start on or about May 1, 2000. The legal department at McGraw Hill needs to get all of this in writing and it may very well happen before May 1 but it also may happen after May 1. The critical part is that it will happen!

1. *Business Week* will have an actual contract which will be for four years. The contract will need to be signed if you want to work with *Business Week*.
2. The day rate will increase dramatically to \$850 plus expenses against space and will increase each year. The contract raises the day rate to \$1000 per day within the time period. The exact amount of the change each year between \$850 and \$1000 has to be finalized but the increase will go from \$850 to \$1000.
3. The rate to shoot a cover will be \$2500 plus expenses up from \$1500.
4. The space rate will double across the board and will apply to stock images as well. The new space rates will be as follows:
 - 1/4 page \$450 - up from \$225
 - 1/3 page \$550 - up from \$275.
 - 1/2 page \$650 - up from \$325.
 - 2/3 page \$800 - up from \$400
 - 3/4 page \$1000 - up from \$500
 - Full page \$1200 - up from \$600
 - Cover rate \$3000 - up from \$1500

"By now everyone is aware of the foundation of EP and what was a tumultuous relationship with *Business Week*. What many of you don't know is how quickly a tumultuous start took a turn for positive change and win for all."

5. The rights that *Business Week* seeks will in essence be paid for in advance whether they exercise the rights or not. This is a complete change in the model of photography. They will gain the right to use the images in the International Edition, Foreign Language Edition, Joint Ventures and on-line and the rate will include reprints but not reprints of the cover which will have additional compensation as outlined below.

I believe this to be fair compensation because it will be applied to every assignment. Most of the images in *Business Week* run 1/4 page or less and are not reprinted so the payment in advance for every assignment will balance in the end. The rights apply to concurrent use only so that if you shoot an assignment and something is re-used in two months you will get additional compensation in the amount of twice the current space rate.

6. The reprint fees for the cover will be the same as the current rate.

- 1000 - 5000 \$2400
- 5001 - 20,000 \$2950
- 20,001 - 50,000 \$3700
- 50,001 - 100,000 \$4750
- Greater than 100,000 to be negotiated.

7. Considering that a cover typically will always be reprinted and that there will probably be additional space rate, one could expect to generate a minimum of almost \$5000 for a *Business Week* cover story.

There are small details to work out and I have already suggested a cap to reprints. The minor details will get worked out but this is a great deal and one that finally changes the model compensating photographers for the extra rights in a fair fashion.

I ask all of you to embrace this new model. We have always been quick as a group to criticize and now we can be just as quick to applaud. ∞

Seth Resnick of Boston is the president of EP, a group of editorial photographers formed in San Francisco to make a stand against Business Week and the general erosion of editorial rates.

Easier navigation of the ASMP Web site

Getting around [www.asmp.org] has been simplified with the addition of a new site map so if you haven't visited the Society's home page recently, now is a good time to do so.

The site map is divided into major categories such as About ASMP, Membership, On-line News, Publications, and Resources and within each of those categories are numerous sections.

One of the more popular features for clients is *Find a Photographer* and an increasing number of members are reporting being "found" and getting assignments from that resource. Also widely used is the Publications section which includes a variety of ASMP business publications such as the copyright guide, *Commissioning Architectural Photography*, and the architectural photography checklist, and *On Buying Photography*, a guide for clients.

Several pieces of information, including an index for the ASMP *Business Bible* are downloadable in pdf format.

ADVERTISEMENT

MEMBERS RALLY TO SUPPORT BUD TRENKA AFTER TRAGEDY



Bud Trenka and his watermelon view camera.

© MAGGIE COLE

Members of the Connecticut chapter are rallying to the aid of their colleague Bud Trenka who was left paralyzed from the chest down after a freak bicycling accident last September.

Trenka, 56, an active member of the chapter and of his community in Stamford, was riding to a local photo lab to pick up processed film. As he bent down to adjust a shoe his foot slipped off the pedal and got caught in wheel spokes. Trenka went over the handlebars suffering a severe spinal cord injury which paralyzed him - forever. An experienced cyclist, Trenka was wearing protective gear - helmet, elbow and knee pads - at the time of the accident.

In that instant the life of this active outdoorsman, hiker, kayaker, professional photographer, and pilot was changed. Ironically, for the past three winters Trenka was a volunteer ski instructor for handicapped people in New Hampshire.

After six months of hospitalization undergoing spinal fusion surgery and rehabilitation, Trenka, who is single, is now in an assisted living facility; and in a wheel chair learning to live within the limitations of being a paraplegic. As his insurance will not cover most of his expenses, Bud Trenka's friends in Stamford are seeking ways to help a man widely recognized as one who willingly went out of his way to help others.

Among the first goals are fund raising and finding suitable handicap housing with wheelchair accessibility so Trenka can continue on the path to rehabilitation and independence.

The Connecticut chapter of ASMP is combining with the Stamford Chamber of Commerce in the fund raising drive to benefit Trenka. To date, the chapter has raised \$3000 but more, much more, is needed.

Leading the ASMP chapter effort are Donna Callighan, Tracey Kroll and Lynda Peckham. They have arranged for funds raised to be tax deductible through Project Rainbow, a non-profit 501(c)(3) organization run by volunteers who provide support services for people whose lives are affected by chronic illness or tragic accidents.

How can ASMP members help? Simple. Pause for a moment, think of Bud's freak, devastating and life-altering accident, count your blessings, and send a check to Project Rainbow Inc. PO Box 2066, Stamford, CT 06906-0066.



© 2000 BUD TRENKA

Bud Trenka, camera remote in hand, and friends.
From left: Tracey Kroll, Bud Trenka, Lynda Peckham, Donna Callighan.

LICENSING INTELLECTUAL PROPERTY CONFERENCE

ASMP's executive director, Richard Weisgrau, represented the Society at an all-day conference titled *Licensing Intellectual Property In The Digital Age*. The program, organized by the Intellectual Property Institute, a Washington, DC not-for-profit organization, advancing copyright education, was held at the New York County Lawyers' Association in New York City. Weisgrau was invited to speak by the program's chair, Bruce Lehman, a former assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

Weisgrau's topic was collective licensing of media photographers' rights and the paper he presented can be seen and downloaded from the ASMP Web site, in the publications section.

The other speakers included in an impressive line-up were Marybeth Peters, the United States Register of Copyrights, Allan R. Adler, vice president, Legal and Governmental Affairs, American Association of Publishers; Paul Akin, executive director, The Authors Guild; Dr. Theodore Feder, president, Artists Rights Society; Morris Kreman, senior corporate attorney, Microsoft Corporation; Charles Sanders, Esq., National Music Publishers, Association, Inc., Michael Shapiro, general counsel, International Intellectual Property Institute; Bert Sugayan, general counsel, Corbis.

Topics covered included recent standard setting efforts affecting the music industry including the Secure Digital Music Initiative (SDMI); new tools for managing content and rights in the publishing industry including electronic rights clearance and evolving models for e-book distribution; the distribution of photographic and visual art images on the Internet including royalty-free and royalty-based approaches to licensing photographic images.

OUT WITH THE OLD MEDIA

One of the best known newspaper publishers, Thompson Corp. of Canada, has put most of its 130 newspapers and other print assets up for sale. *The Wall Street Journal* reports that the move further concentrates Thompson's electronic and Internet-based information operations. In recent years Thompson has sold numerous newspapers, placing far more emphasis on its faster-growing electronic and print-based information services.

INTERNET CONNECTION DEAL FOR MEMBERS

One of the largest nationwide Internet Service Providers (ISP) Earthlink/Mindspring is offering ASMP members a discount on its range of services which includes e-mail, Web hosting, and full Internet access with a 98 percent connect rate. The company provides access to the Web from home or while on the road through hundreds of local access numbers. Access is through a true Internet connection, not an intranet connection offered by most local providers. All ASMP members are entitled to a 10 percent discount on the monthly access fee (for unlimited access) plus an immediate \$20 credit, a saving of almost \$50 for the first year of service. To sign up, members must contact Lonnie Haley at (972) 481-5824; e-m: haley@mindspring.com and identify themselves as ASMP members.

THE LARGEST COLLECTION OF PHOTOS ON INDIA

ASMP member Jagdish Agarwal is the photographer many people go to for stock imagery on India: with good reason. *The Bombay Times* recently ran an article on Agarwal and his agency, pointing out that he is the "proud owner of the world's largest photo library of stock photography on India." And yet, says the article by Smita Deshmukh, if Agarwal had done as his father wanted, he would've been a success in Bombay's textile industry. The Dinodia Picture Agency (DPA) includes the work of over 200 photographers. Agarwal's images can be viewed at [www.jagdishagarwal.com].

KODAK CRUISES

Kodak Professional and Image, the largest ship-board photographic concessionaire in the cruise industry, have signed an agreement to jointly develop a digital imaging system for use aboard cruise ships. Image is based in Grand Cayman, British West Indies.

A VOLVO IS TOP PRIZE IN PHOTO CONTEST

Hasselblad equipment and Kodak film are at stake for national prizes in an international photo contest open to all photographers with the top prize for the international winner being a Volvo V70 and Hasselblad equipment valued at \$38,000. The contest, announced by Kodak Professional and Hasselblad, is titled *International Photo Challenge 2000* and is based on the theme *Unphotographed Millennium Moments Past and Future*. Deadline for entries is July 31. Check out rules, guidelines and entry forms from Hasselblad dealers or on the Internet www.hasselbladusa.com or www.kodak/go/professional.

The Baby Shooter and TSI *cont. from p. 8*

SANITIZING RECORDS

TSI gave Penny and her accountant access to some, not all, of her records. It took a lawyer to get that access, and a letter specifying what documents she and her accountant wanted to see. Once access was gained, Penny experienced a new setback. The audit took two days, and she found herself facing long waits for records to be produced. Why? Her personal notes reflect the reason: "He said that he was 'sanitizing' the rest and would bring them to us as soon as they were ready. He used the word 'sanitize' to describe what they had to do before we could see the records - make a photocopy, obliterate with heavy magic marker several items in each record, including all the client information, the product and sometimes the image number and reference number, and then photocopy the blackened photocopy. He gave us two copies of each record like this, but we were told that we were not allowed to keep any copies."

This writer is amazed. Since sales are reported by image and reference numbers, how do you audit those sales when the record from which the sales reports are made have this information removed? What kind of an audit is it, if the result has to be memorized before you leave? All that Penny was allowed to take home from the audit was a 113-page computer print-out of her TSI account and about 10 sanitized photocopies. The print-out itself confirmed not only the cancellations and license re-calculations, but also that TSI owed her much more than she had been paid and that some of TSI's customers, whom Penny knew to be using her photographs, had not even been charged for licensing.

COURT ORDER OBTAINED

Well, as I mentioned last month, Penny is trusting, but she is not a fool. Seeing that the situation was deteriorating, she got a court order to freeze TSI's records. This also ordered TSI to prevent third party infringements of her photographs for which no licenses were reported in the 113-page print-out.

Recently, TSI petitioned the court to dismiss Penny's case. The court, admonishing TSI's lawyers for ignoring the law, refused. Penny's fight goes on.

Fortunately, Penny is being represented by a leading copyright attorney. Patricia ("Patsy") A. Felch, of Banner & Witcoff, Ltd., an intellectual property firm which is prosecuting Penny's case against TSI and Getty in Chicago. You may remember Ms Felch from two widely publicized cases: she stopped Northwestern University from white-washing a student's painting of the Sistine Chapel on his dorm-room ceiling; and she convinced the federal Second Circuit Court of Appeals in the Tasini case to rule in favor of freelance writers whose articles were re-sold by periodicals to electronic databases, without consultation, authorization or compensation of the writers.

We will keep you posted on developments. ASMP is contributing to Penny's legal costs from the Legal Action Fund. As members will appreciate, a legal battle of this scope is very expensive and donations to the ASMP Legal Action Fund can be earmarked to support Penny's case. So the next time you look at a statement from your stock agent, think of Penny and share a bit of that revenue by helping her fight. She is fighting for every stock photographer. ∞

HARNESSING THE WEB

Using MIRA to license your assignments BY JAMES CAVANAUGH

As an architectural photographer, an important part of my revenue comes from the licensing of my photographs to additional parties who were connected with a project. If my original client was the architect, I have numerous others who may be interested in using the photographs to promote their company, services or products. This group includes the contractors, sub-contractors, owner, tenants, interior designer, engineers and landscape architects. It also includes the companies that manufactured the products that were used. This includes manufacturers or distributors of lighting, floors, windows and doors, paint, wall covering, building skin, millwork, and on and on.

The problem has been identifying these "third parties", marketing the images and then negotiating and fulfilling the sale. The process is time consuming and costly. However, I knew if the process could be expanded and automated to some degree, it would increase revenues without increasing costs. Last year I started to develop a program to do just that.

The Internet offers the ability for business to be transacted 24 hours a day seven days a week. As energetic as I am, I am only good for about 80 hours a week max! I wanted to find a way that I could use the Internet to accomplish my goal.

My first step was to develop an Internet presence, which I did [www.cavphoto.com]. However, I am not a "web-head" and did not care to learn how to develop or maintain a site. I am too busy trying to keep up with the other changes that are affecting my career, so I engaged the services of a Web development company in Rochester, New York, E-Paymaxx (www.epaymaxx.com).

As we discussed development costs, it became clear that developing an e-commerce site that could automate the licensing and fulfillment process would be vastly beyond my budget. It would also require me to be on the site around-the-clock to respond to inquiries. It was clear I needed a partner.

MIRA, the Media Image Resource Alliance, is an on-line licensing agency owned by the Copyright Clearance Center. MIRA also represents ASMP members who are part of the MP©A. MIRA allows photographers to place digital files of their images on-line. MIRA will then make the images available on their Web site (www.mira.com) and then execute a license for use, deliver the digital file and bill the client. MIRA keeps a portion of

each sale. If you are an ASMP member participating in MP©A they keep 30 percent. If you join MIRA as an independent photographer, they keep 50 percent. This seemed like a perfect match.

On any given assignment, I will scan all of the images created. I will then place all of the images in the MIRA database. I select a few of the images and place them on my Web site. I then contact the potential users and tell them about the project. I invite them to go to my site and look at some of the images.

When they get to the site, they can click on a thumbnail view, and a large, watermarked, version opens in a new window. The window asks the buyer "IF you would like to see the entire assignment or license the use of any of the photos, click here." This activates a link that takes them from my site to the MIRA site. Here, they can browse the entire assignment and obtain a license to use the images. MIRA negotiates the

license, delivers the files, sends them a bill, collects the funds and sends me 70 percent of the fee. I just sit back and collect the cash! With 25 years of business experience, I know I can not do all of these things for 30% of sales.

Am I rich yet? No. The system went on-line as a "beta test" about a year ago. There have been a few roadblocks. At that time, MIRA had a firewall that required clients to register with them before they could search the database for images. Many clients would make the jump from my site to MIRA but only a few would go through the registration process.

Recently, MIRA has revamped their Web site and removed this firewall. Now anyone can go to the site and search. Clients will be able to click on one of my large photographs and immediately be on the MIRA page with that assignment! This is key to the project's success. The search will bring you to the assignment page by

"When they get to the site, they can click on a thumbnail view, and a large, watermarked, version opens in a new window."

applying a unique keyword that has been added to the image annotation in the MIRA database. For example, CSA-5757 will bring up the Buffalo Niagara International Airport project. CA-5679 will bring up the Marine Midland Arena project. (Currently, only several projects are linked to MIRA on my site.)

However, there is one more quirk I found that I had to deal with: my client's buying habits. As I ran the beta test last year, something strange happened. I put images into MIRA and then on my Web site. I pointed prospective clients to the Web site to see the photographs. Instead of going to the site, they began calling me on the telephone. I asked all of them if they had Internet access. Virtually every person did; most of them right at their own desk in the office. However, they were not use to going to the Web to look at or buy photographs. They were more comfortable calling me on the phone and asking me to "send them something to look at." There is no question that this will change as Internet commerce becomes more widespread.

To make the program work, I still need to identify the prospective parties and I still have to initiate the sales process with a letter, e-mail or phone call. To make this process easier, I have offered my clients a 10 percent commission on any sales from their project if they will supply me with names and contact information for all of the other companies involved. (Some companies have regulations against receiving payments from vendors. In these cases, I have offered to discount their next assignment by the commission amount or donate the commission, in their name, to a charity of their choice.)

While this model is set up for architectural photography, it can apply to many other types of assignments as well. If you photograph an annual report for a hospital you have third parties such as the people who manufactured equipment appearing in the photographs, HMOs, companies that supply hospitals with uniforms, the company that cleans the hospital or the company that provides telephone systems and on and on.

With the recent Web site changes at MIRA, I am putting renewed emphasis on this project and moving it out of the "beta test stage". My goal is to have all of my third party licensing done on the Web via MIRA by the end of 2001 and I am planning to have one-third done by the end of this year.

James Cavanaugh is an architectural photographer based in Tonawanda, New York. He has served as an ASMP director for several years

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News**lines**

Please send contributions to Editor, ASMP Bulletin, P.O. Box 652, Anacortes, WA 98221.

Grey market firm charges a “restocking fee” for returned goods

ASMP member Drew Endicott of Indianapolis has alerted ASMP about the business practices of AAA Camera Exchange, Inc., New York City from whom he purchased a Contax 645 AF kit over the phone and by credit card. The equipment arrived 14 days late (in three weeks and not seven days) and was not what he ordered - and was defective to boot. Nor did it have a US warranty or warranty card, as Endicott specifically requested.

Subsequently, Contax told Endicott that AAA Camera Exchange Inc. is not an authorized dealer, and that he had received a ‘grey market’ camera.

On notifying AAA Camera Exchange that he was returning the goods and wanted reimbursement, Endicott was then told he would be charged a 15 percent restocking fee - 15 percent of \$7500! “I disputed this, advising that I was never informed of a 15 percent restocking fee and they sent me a product which I didn’t order in the first place,” said Endicott.

Endicott is currently trying to resolve this through the Better Business Bureau of New York however, but the camera store not cooperating or taking any responsibility in the matter. “I called the Department of Consumer Affairs with AAA’s consumer license number - 898806 - which I have now learned to do before I place an order, only to find that in the past 24 months AAA Camera Exchange has had 56 complaints of this nature,” said Endicott.

Endicott said he contacted and filed a report with the Federal Consumers Protection Board in Washington [www.wa.gov/ago/consumer] a resource with valuable information for consumers. The other resource he used was the Web site of the Better Business Bureau, which has information on contacting consumer affairs departments nationwide. In his case, [www.newyork.bbb.org/library/outres/p2e100.html]. He contacted the NYC Dept. of Consumer Affairs, complaints department, ph:212-487-4444.

At writing, Endicott said that AAA Camera Exchange is refusing to refund any of his money unless he signs a form agreeing to pay them 15 percent, in essence “they have my \$7500 and are basically holding it ransom.” In the past, ASMP has published information about grey market film and equipment and members are advised to remember the adage “Buyer beware!”

Other members who have experienced problems with this company are asked to contact ASMP National: attn. Amy Whitmoyer.

CORRECTION ON MISQUOTE ATTRIBUTED TO GETTY VP

A quotation attributed to Roger Ressmeyer, vice president of strategy and corporate development at Getty Images, Inc., in a report of the *Future Stock 2001* event held in San Francisco (March 2000, *ASMP Bulletin*) was incorrect. Ressmeyer was quoted as saying “profits” (at Getty Images, Inc.) had risen to an all time high. What Ressmeyer said was that sales “revenues” have risen to an all time high for Getty and for Getty’s photographers.

Editor’s note: *Revenues are inflows of money; profits are what is left after all related business expenses have been paid.*

Ressmeyer reiterated to the *Bulletin* that he contends the agencies are “badly misunder-

stood” and has written a letter to the editor (*see page 28*) in which he says “Getty Images values its relationships with freelance photographers.” **Editor’s note:** *An on-line version of the article to which Ressmeyer refers, and in which two paragraphs involving his remarks were changed, was posted on the ASMP Web site in the Library. The printed version of the article, as referred to in the first paragraph above, appeared in the March Bulletin. The article was accurate in every other respect.*

LAWSUIT OVER LANDSCAPE PHOTOGRAPH

This news is not new, but its ramifications are significant. Late last year in France, local homeowners associations were reportedly suing for the prejudicial use of an aerial photo-

graph of the Pariou volcano, the symbol of the country’s Auvergne region. Six homeowners associations in the area initiated a suit against stock agency Phototheque SDP for an advertising campaign which used a photo of the volcano as a background.

According to the plaintiffs, the distribution of the photograph would lead to an increase in the number of hikers on the site, which would lead to its degradation.

In a communiqué to its photographer members, Phototheque asked: “Has it really come to this: lawsuits over landscape photos?” The agency had earlier commented that, “We see a sign of the times in this pending lawsuit. Increasingly, individuals and architects believe they can make large amounts of money by suing over image rights.”

Getty acquires VCG; and the value of intellectual property increases

Anyone who had any doubts about the value of intellectual property should find and read a copy of the March 4 issue of *The Economist*. An article titled *Blood and oil* outlines the history of how Mark Getty set about creating Getty Images and how he reportedly comments that "Intellectual property is the oil of the 21st century. Look at the richest men a hundred years ago: they made all their money extracting natural resources or moving them around. All today's richest men have made their money out of intellectual property." In its most recent acquisition, Getty Images bought, for a reported \$220 million, Visual Communications Group which owned the venerable FPG stock agency. The gobbling up of smaller stock agencies continues; and the head-to-head battle between Bill Gates's Corbis and Getty Images draws closer. Between them the two giants control about 135 million images: Getty, 70 million; Corbis, 65 million.

Web shots alert

Member Ziggy Kaluzny has alerted ASMP that the Web site (www.webshots.com) has posted photographs on its site without the creators' permission. You might want to check out the site to see if any of your images are there. Or if you see any of your colleagues' work on the site, you could notify them to verify they have given their permission. You might also read the site's Terms and Conditions which do espouse copyright law and protection.

Legal Action Fund contributions

Thank you to the following contributors to the ASMP Legal Action Fund. **\$100:** Jerrienne Lowther, Mark Shapiro; **\$75:** David Makris; **\$50:** Sue Dippold; **\$25:** Ralph Krubner, Mark Harmel, Suki Coughlin; **\$20:** William O'Byrne; **\$10:** Art Grossman.

What's Hot

ASMP election results

Four new directors have been elected to the ASMP board of directors and one incumbent of the four standing for reelection was returned.

The successful candidates, all of whom have been elected for three-year terms, are Morton Beebe, Stanley Rowin, Lee Schulman, Mary Beth McAuley and Scott Highton, an incumbent.

The unsuccessful incumbents were Andy Washnik, James Cavanaugh, and Forest McMullin. The board will meet in Aspen, Colo., May 14 -15 following the annual Bradshaw Leadership Conference.

The results are listed below. The elected candidates are indicated by an *. Approximately 3,800 general members were eligible to vote.

- **Number of ballots received:** 976
- **Number of ballot counted:** 966
- **Number of ballots voided:** 10 (voted for more than 5)
- **Votes per candidate:**

| | |
|-----------------------|------|
| Morton Beebe | 456* |
| Stanley Rowin | 477* |
| Robert Boyer | 345 |
| Andy Washnik | 291 |
| Lee Schulman | 534* |
| Scott Highton | 400* |
| Martin Trailer | 366 |
| Mary Beth McAuley | 565* |
| James Cavanaugh | 387 |
| John W. O'Connor, Sr. | 143 |
| Forest McMullin | 348 |

Unsolicited e-mailing

An organization named Xtreme Camera has, without authorization or request, sent unsolicited marketing mail to ASMP members using e-mail addresses obtained, ASMP believes, from the on-line membership roster. Members should be aware that this company's efforts are not endorsed by ASMP and a "please desist" letter was sent to Xtreme Camera's publisher, John Manzione.

notes that stock photographers have pointed out that they have no impact on the environment or cause any disturbances. However, she says, "The reality is that we have to follow our own ordinances and codes. We're not in a position to set precedents."

Applications should go to the City of Santa Barbara, c/o Parks & Recreation Dept., PO 1990, SB 93102. Or fax permit requests to 805-564-5480.

In mid January, however, Carillo-Walker was expected to present recommendations to the City Council that would eliminate for still shooters her \$5 permit fee but still require the approved permit, proof of insurance and the business license. The upside to all this, if approved by the Council, is that a single office would take care of issuing the permit and sell the license.

Among the most popular and photographic features of the beachfront is the Stearns Wharf, oldest working wharf on the West Coast. But set foot on it with cameras in hand or the marina or other maritime facility, and you're under the jurisdiction of the Waterfront Department.

It has a filming fee schedule that calls for a \$250 a day fee for "crews less than 15 people" and the Department has determined that applies to just a single shooter, according to Scott Riedman, property management specialist. In addition, the Waterfront folks want proof of liability insurance in the amount of \$1 million.

Permit request go to Waterfront Department, City of Santa Barbara, PO Box 1990 Santa Barbara, CA 93102-1990, Ph: 805-897-1969, fax: 805-963-2622.

Required no matter where one shoots in the city is a Santa Barbara Business License. Again, making stock pictures for ultimate sale is viewed as conducting business for which a license is required. The basic fee is \$30 a year for anyone with gross sales under \$25,000. The fee then goes up incrementally based on your sales.

The license can be obtained at the Finance Department Business License

Division, City Hall weekdays 7:30 - 5:30. Or one can call or fax ahead, request the application form and return it with payment. Ph: 805-564-5341; fax: 805-897-1978.

The address for the Santa Barbara Conference & Visitors Bureau and Film Commission is 12 East Carrillo St., Santa Barbara, CA 93111, ph: 805-966-9222, fax: 805-966-1728. Email: dbarber@santabarbaraca.com

If you think this bureaucratic nightmare is over, it's not. Should you want to shoot in and around the Santa Barbara County Courthouse downtown which is famous for its Spanish-Moorish architecture, guess what? You got it: you need another permit, this one from John R. Barron, Film Permit Commissioner for the county.

Fortunately, Barron runs something of a "one stop shop" for shooters interested in covering anything in the unincorporated areas of Santa Barbara County as well as in the county itself. These communities include Goleta, the Hope Ranch, the beach country and county parks.

While there are fees for county shooting, Barron is easy to work with. He will often grant stock still shooters a Category F exception from the normal \$100 fee. That's because they leave a "small footprint" in terms of equipment and disruption. Available to shooters is the block square County Building complex with its sunken garden, tower providing a panoramic view of the city's picturesque red tile roofs, the Mural Room and other settings. Still photos will need to carry \$500,000 in liability insurance.

Prospective shooters should request a Film Permit Application from: County of Santa Barbara Film Permit office, 123 East Anapamu Street, Santa Barbara, CA 93101, Ph: 805-568-3074, Fax: 805-568-3101.

The only remaining question: "Given all this mind-boggling red tape, why in the world would any stock photographer even consider shooting in Santa Barbara?"

*Norman Sklarewitz is a freelance writer based in Los Angeles. This article is reprinted from *Selling Stock* with permission.*

LETTER TO THE EDITOR

I am grateful that the ASMP has agreed to correct a quotation attributed to me in the March ASMP Bulletin article, *Future Stock 2001*, and to clarify other issues. However, I remain troubled by what I regard as a misrepresentation of agency values expressed in the printed version of the article and by the aggressive stand of ASMP leadership against agency relationships.

At Getty Images, we are very attentive to the welfare of our photographers. We continue to invest a large amount each year in developing advanced e-commerce technologies, building broader distribution systems, and executing worldwide marketing programs; activities that we believe support greater sales for our photographers.

While it takes time for these developments, such as the introduction in January of real-time-rights-control and on-line pricing for licensed images on [gettyone.com] to translate into higher sales, our hope is that they will improve market exposure and sales for the photographers in all our brands. Getty Images is also committed to helping our photographers keep current with creative and marketing trends.

As an eight-year veteran of the ASMP national board and former chapter president of ASMP Northern California, and as the author of the 1988 White Paper, *Magazine Photography*, I am concerned about the current attitudes toward, and assumptions about, agencies. Getty Images values its relationships with freelance photographers and is committed to improving communications with this group. We understand that the only relationship that works with photographers is win-win.

I appreciate ASMP's willingness to clarify these issues and remain interested in furthering a positive relationship with the organization.

Roger Ressmeyer, Vice president, strategy & corporate development, Getty Images, Inc.

Editor's note: *ASMP is committed to improving the business environment for photographers and to that end is willing to entertain productive dialogue with any other participant in the industry. However, ASMP through its media will continue to focus on what the Society considers inequitable and unfair business practices wherever they may occur.*

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Reflector (\$ 65) 9" Reflector w/Barndoor (\$
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package for \$ 4,000); 2 Lightware Cases for
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OurCover

For the past 15 years New York photographer Penny Gentieu has specialized in babies, although she does photograph other subjects, and has become internationally known in this field. (She also is the central figure in a legal battle with Tony Stone Images - see page 8).

On the cover is an image from her *Baby for President!* portfolio, intended to be a book and now being used for promotional purposes. The humorous captions for this collection of delightful baby pictures were written by Gentieu's husband Tom Friemoth, a drummer (with a great sense of humor) and the duo also combined talents for a soon-to-be-released book *What Babies Think*. To see more of these images — and it's worth a visit — check out [www.dumbstock.com] and [www.baby-stock.com].

And what does it take to be a successful baby photographer? Apart from patience, perfect timing, technical competence, and a supply of babies? Keeping the parents calm, says Gentieu. Invariably, she maintains, the babies are a reflection of their parents and their disposition. If the parent, or parents, are calm, the chances are good that the baby will be too. So, Gentieu keeps her fingers crossed that good weather prevails on the day of a shoot (even though it's in the studio) and that there are no traffic jams.

On the technical side: Gentieu's uses Hasselblad cameras and lenses, electronic studio lights at times combined with ambient window light, and her film of choice is Kodak EPR ISO 64. ∞

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