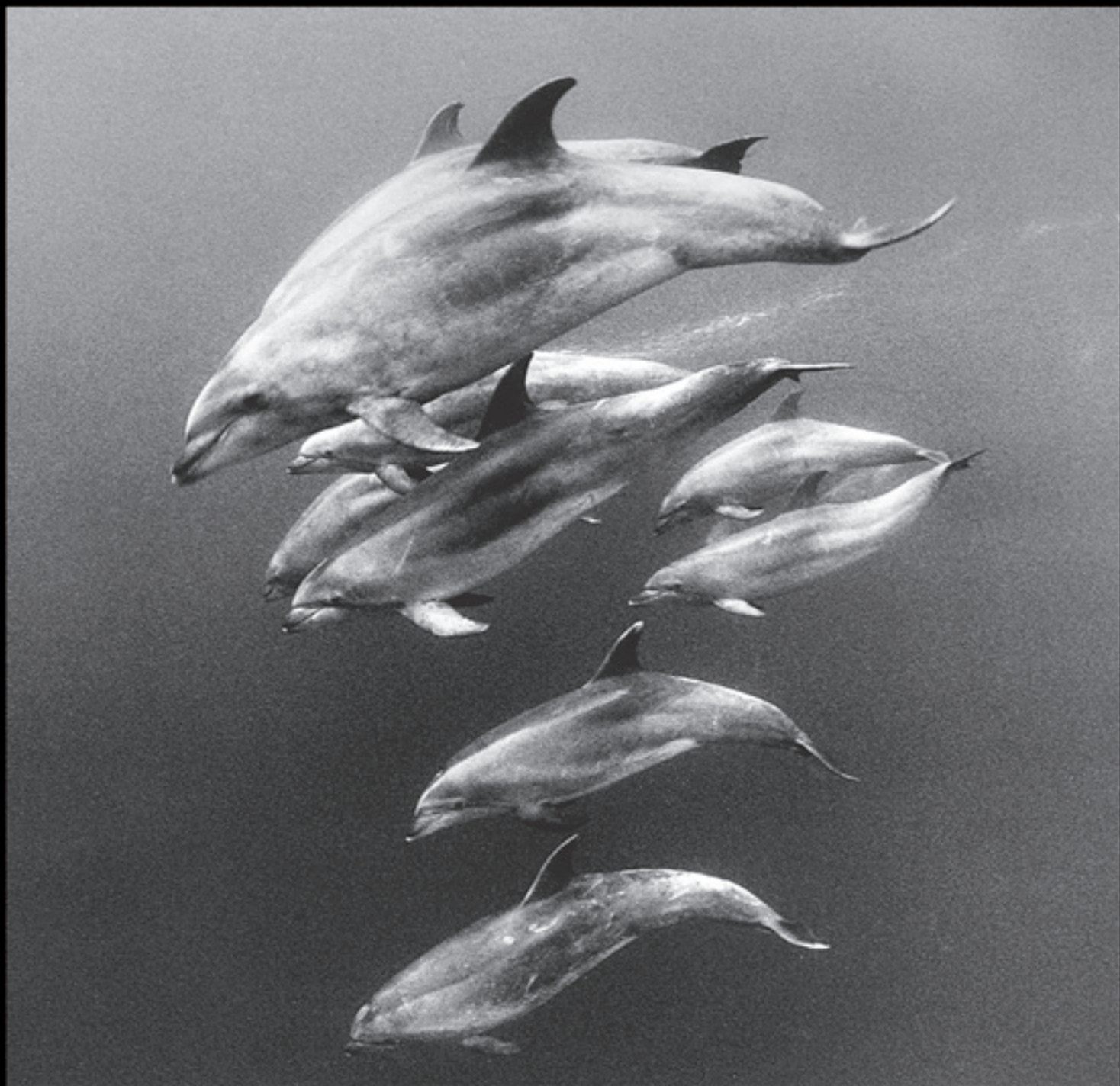


ASMP Bulletin

JUNE 2001



ADVERTISEMENT

ADVERTISEMENT



**THE AMERICAN SOCIETY OF
MEDIA PHOTOGRAPHERS, INC.**

President Dave Harp
First Vice President Robert Wiley
Second Vice President Scott Highton
Treasurer Stan Rowin
Secretary Woody Packard

Board of Directors
Morton Beebe, Michael Cardacino, John Greim,
Dave Harp, Matt Herron, Scott Highton,
Mary Beth McAuley, Margaretta Mitchell,
Eugene Mopsik, Woody Packard, Stan Rowin,
Lee Schulman, Clem Spalding, Robert Wiley

Executive Director Richard Weisgrau
Managing Director & Victor S. Perlman
General Counsel
Communications Director Peter Skinner
Membership Director Elena Goertz
Copyright Counsel Charles D. Ossola

Advertising Representative
Peter Skinner
P.O. Box 652
Anacortes, WA 98221
360-293-7959

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.

© 2001 ASMP. All rights reserved. ISSN 07445784

One-time reprint rights are granted to ASMP chapter newsletters. No article may be reprinted (above exception noted) without written permission from ASMP National.

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.

Articles appearing in the ASMP Bulletin reflect the opinions of the writer. They do not necessarily reflect those of the editors, any officers of the Society, the Board of Directors, or the National Office. The Society does not assume responsibility for the individual writer's opinions as expressed in the article.

Printed by Ripon Community Printers, Wisconsin.

Volume 20, Number 5

ASMP Bulletin

EDITOR Peter Skinner
PRODUCTION EDITOR Cilla Skinner
DESIGN CONSULTANT Ken Silvia

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

5 FIRST WORDS
ASMP SPECIAL CITATION

6 BOARD BUSINESS
NEW DIRECTIONS

8 VIEWPOINT
THE BETTMAN BURIAL

10 LEADERSHIP CONFERENCE
ASPEN 2001

11 LEADERSHIP CONFERENCE
CONFERENCE SPONSORS

12 BUSINESS ISSUES
THE GETTY CONTRACT

13 VIEWPOINT
IMAGE IS THE KEY

14 ASMP MISCELLANEOUS
ASMP BOARD MINUTES

16 ASMP MISCELLANEOUS
OUR COVER, CLASSIFIEDS

17 ASMP MISCELLANEOUS
NEW MEMBERS

18 ASMP MISCELLANEOUS
NEWSLINES, WHAT'S HOT



OUR COVER

Chuck Davis
photographed these
Pacific bottlenose
dolphins near Catalina
Island, California.
See page 16.

ASMP SPECIAL CITATION

A courageous lady is honored for supporting creators BY DAVE HARP

It was a sight that would warm the cockles of any photographer's heart. Seventy-five ASMP photographers—chapter leaders and national board members—were meeting with the United States Register of Copyrights during last month's Bradshaw Leadership Conference in Aspen, Colo. Well, it was more than a mere "meeting." Mary Beth Peters, in town to accept a special award from ASMP for her many actions on behalf of photographers and other creators, was having a warm and enthusiastic conversation with us about the new copyright regulations, which will make it easier to register published work and thus further protect the rights of independent creators. In fact she was allowing us—no, encouraging us—to nit-pick with her over the proposed language for the new copyright registration procedures.

Obviously, she was comfortable to be with us and we relished the opportunity to talk with her and to even have some influence on the final language of the new regulations. This is one great and courageous lady. It's gratifying that she holds such an important position in public service.

So, it was with great pleasure that I presented Ms. Peters with a special citation on behalf of all ASMP members for her "having shown exemplary fairness to photographers in her handling of copyright issues and for demonstrating remarkable integrity and courage in her positions taken on our behalf." The long and enthu-

siastic standing ovation she received that evening will no doubt be echoed by other independent creators when the new regulations are released.

While we were honoring Ms. Peters, we were also witnessing the results of a decade-long campaign by our executive director, Dick Weisgrau and our managing director and general counsel, Victor Perlman to continually improve and simplify the copyright registration process.

In his introduction of Ms. Peters, Dick said that her contributions to copyrights holders were numerous and it was due to her support of ASMP that the Society was able to work so closely with the Copyright Office. He outlined how she had written an excellent legal treatise on her position in the *New York Times v. Tasini* case in response to Congressman McGovern (D. Mass.) who had sought her opinion. That request enabled Ms. Peters to go on record with a compelling document supporting authors in the *Tasini* case. When the U.S. Supreme Court heard the case in March, Justice Sandra Day O' Connor pointed out that the federal copyright office sided with the freelancers, a comment that could not have been made had Ms. Peters' opinion not been on public record.

Ms. Peters told the photographers assembled in Aspen that she held ASMP in very high regard, and emphasized the key role that Dick and Victor had played in developing a close and productive working relationship. She told the conference that she admired photographers and their creativity and she would continue to do everything she could to protect their interests and would encourage development of improved systems and regulations by the Copyright Office to facilitate simpler copyright registration procedures.

I'm on my feet and applauding. ∞



Dave Harp
ASMP president
and chairman of the board

© 2001 RICHARD ANDERSON



Register of Copyrights, Marybeth Peters with, from left, ASMP managing director and general counsel, Victor Perlman, president Dave Harp, and executive director Richard Weisgrau.

© 2001 JIM BROWN

NEW DIRECTIONS

Directors explore modification of strategic plan BY PETER SKINNER

Collective licensing, for the past several years a major focus of ASMP activity, now falls within the operational goals of the Photographers' & Illustrators' Copyright Agency—the recently announced cooperative—thus opening a new phase of strategic directions for ASMP. The new courses to be charted by ASMP, including exploiting the potential of e-commerce for ASMP-created information and white papers, were primary topics at the annual meeting of the board of directors in Aspen, Colo., May 6-7.

Until now, collective licensing has been a principal strategic initiative for ASMP. However, the cooperative, which will be an independent and separate entity from ASMP, will be effectively doing the kind of collective licensing that MPCA, the licensing entity created by ASMP in 1992, was developed for. Executive director Richard Weisgrau told the board in a report that: "This means that ASMP will no longer be directly engaged in collective licensing activity and we will only have the opportunity to support that type of activity."

As a result, ASMP's strategic plan, based on the comprehensive *Future Options Report* written by Weisgrau in 1990 and which has been the blueprint for Society initiatives since, will be modified, a process discussed at length by the board.

In his introduction to possible modifications to the strategic plan, Weisgrau was emphatic about the importance of the photographers' co-op in the future of collective licensing and in unifying photographers. He pointed out that while it's been proven that ASMP can unite photographers behind issues of economic concern, it has not been shown that the Society can unite photographers as a cohesive group. "Unity (of photographers as a group) is not something easily achieved, if achievable at all. Every attempt ASMP has made to unify the position of photographers has essentially failed. Photographers are out to protect their own economic interests. ASMP is pledged to do the same thing (protect photographers' interests)," he said.

With that in mind, ASMP's future strategic operations should concentrate on communications to help focus photographers on issues. "Since unity behind certain issues is achievable, then communicating those issues and ASMP's positions on those issues is important. The goal is communication and the effect might be better unity in limited sub classes of photographers," he said.

During about four hours of discussion, the board analyzed the current strategic plan and suggested changes to incorporate recommendations offered by Weisgrau and directors. Much of this involved fine tuning the language in the current strategic plan to

reflect the potential change in ASMP's priorities now that a photographers' cooperative has been initiated.

The four directions in which ASMP will proceed and proposed operational approaches are:

1. Support collective rights licensing and administration systems. The board recognized that the Society should support the cooperative and other similar efforts as decided worthy. In this area, MPCA's activities will be transferred to the cooperative.

2. Counter the corporate economic advantage by engaging in a process of indoctrination of corporations. ASMP would define the fundamental needs of photographers and promote acceptance of these needs and fulfill them by its collective voice. ASMP's "good offices" program, in which the Society intervenes on behalf of members, will continue and be expanded. The Society will also develop a series of position papers dealing with the fundamental issues involving the interests of publication photographers and distribute them via the Internet. Emphasis will be given to assisting clients by working directly with them to improve their working relationship with photographers by helping them craft fair and reasonable offers for photographers' consideration. The Society will support the ASMP Foundation in meetings its goals, especially in its efforts to educate photographers and emerging photographers in the area of business principles, practices and skills.

3. Create high visibility in several sectors such as among legislators, courts, corporations and the photo industry, to impress the message that photographers are serious about authorship and the rewards that should flow from it. Facets of this activity would include expanding existing operations at federal and state levels to monitor and comment on legislation and regulation and continue to participate in precedent setting legal cases. The ASMP network of attorneys will be further developed and communications improved within the legal network via the Internet. Additionally, the board agreed that ASMP should work with other organizations that can help in promoting a better public understanding of the role of creators in society and the value of their work and improving copyright rights.

4. In the area of improving communications with ASMP members, photographers and the creative community, the board has agreed that systems to acquire and distribute valuable information should be developed. This would include commentary about how to apply such information in business operations and how certain trends can affect photographers in business.

Also being scrutinized are methods to market ASMP-created business information on the Internet. While the Society's ventures

into e-commerce will depend on finances to build marketing and sales systems, and won't happen in this fiscal year, plans are being prepared to exploit the potential to generate revenue from selling specific information on-line. Examples of materials which could be sold to non-members would include such things as model and property releases and instructions on when and how they should be used. Members would receive this information as a member benefit. Also proposed as a member benefit would be an on-line version of a timely news bulletin, similar to the popular *Members Only* newsletter which was discontinued because of distribution expenses.

DIRECTOR RESIGNS

Tom Guidera III, a co-author of the acclaimed *A Proposal for Independent Creators* and author of several articles on the same subject for the *Bulletin*, has resigned from ASMP and as a director. Guidera who is based in Baltimore, Maryland, and a member of ASMP for almost 20 years was elected to the board in 1999, prior to which he had also served as a chapter officer and a co-president of Mid Atlantic.

In his letter of resignation, read to the board by past president Gene Mopsik, Guidera said he had made the decision based on his not being able to make an "honorable and adequate living" being a publications photographer. "I will always be a photographer but I am no longer a publications photographer," Guidera said. He emphasized that his resignation from ASMP and the board should not be misinterpreted. "I am not leaving the board or ASMP as a protest or demonstration against it or any one of you; officer, director, staff, or member. I don't want my decision to discourage anyone from continuing the work of ASMP or pursuing a career in the profession. I will not allow my departure to be employed by those who wish ASMP ill will," he said. "My role in this organization, particularly since being elected to the board two years ago, has been to advance the notion of collective licensing for independent creators. I am fortunate to have been able to work with you all on it."

The board thanked Guidera for his many years of service to ASMP and will appoint a director to serve out the remainder of Guidera's term of about one year.

FOUNDATION IS ON-LINE

The ASMP Foundation has gone on-line (www.asmpfoundation.org) and has also produced the draft of a brochure outlining its role as the education wing of ASMP and its goals. When completed this brochure will be used as a key communications and promotional vehicle for the foundation. These developments were reported to the board by Mary Beth McAuley, the board's liaison to



Directors in conference prior to the board meeting.
From left: Robert Wiley, Mary Beth McAuley, president Dave Harp, Gene Mopsik, Michael Cardacino and Lee Schulman.

© 2001 RICHARD WEISGRAU

the foundation. Funding is a critical concern and McAuley said the foundation was investigating alliances with other entities which could help the ASMP Foundation achieve its goals.

FINANCES AND MEMBERSHIP

A good news/not-so-good news situation on ASMP's financial position was reported to the board. The number of members at the end of April was nearly 5,700 and 5,000 of those had paid their annual dues, the best position in that area that ASMP has ever enjoyed; the drop rate was down to between six to seven percent, another strong indicator of satisfaction with the Society's performance. In brief, money was coming in, and at a better rate than ever and the Society is not in an unhealthy financial position. However, the trial program to give chapters the application fees from new members joining through chapters had not worked as hoped. By comparison with previous years, new applications through chapters had not increased so the board decided unanimously to stop distributing membership application fees to chapters as from October 1.

Also, Weisgrau warned the board that revenues are not sufficient to continue ASMP's scope of current activities without eating into capital reserves, especially in legal issues where ASMP involvement and expenses were at a record level. The board wrestled with the issue of raising dues and while some felt it was the board's duty to recommend a dues increase, others considered that the current economic climate was not conducive to such a move. The matter was referred to the executive board for further investigation. ∞

THE BETTMAN BURIAL

Requiem for photography - RIP BY ENRICO FERORELLI

It would be fitting for everybody who loves photography to congregate at the entrance of the abandoned mine where Bill Gates is going to inter the Bettman Archives for a final adieu to an honored profession. Having been a photographer for more than 30 years, I feel qualified to offer an autopsy of the corpse of photojournalism. This death has been the result of a disease that started shortly after I began my career. The magazines *Look* and *LIFE* folded at the peak of their circulation when the Postmaster General more than doubled their postal rates: perhaps by coincidence it was when both magazines started leaning against the Vietnam war. Magazines could not be mailed to subscribers and still make a profit. The moment subscribers diminished in economic importance, advertisers supplanted them.

ADVERTISEMENT

When the editorial departments of the major publications ran the show they also provided, from their ranks, the top executives who managed the corporations. Gradually the publishing and ad sales side took the upper hand, and the editorial side lost much say in what had been its realm. Then came the mergers, the acquisitions, the synergy, the influxes of beneficial capital: corporations of all sorts, looking for diversification or beneficial access to the mass media, started buying into publishing. *Time & LIFE* saw first the entrance of Temple, a forestry and paper company, then Warner Brothers and ultimately America On Line, a company that makes an ephemeral product nobody needs.

Magazine work was never a profession that gave generous financial rewards, but it provided both its creators and its readers nonstop learning, tracking the significant events of the world. Now, instead of making magazines that start from an idea, the process is reversed and they begin with a market-researched guess about the interests of the slice of audience to whom advertisers are trying to sell things.

Cost cutting and efficiency are mandated by people who have no real understanding of the creative process involved in making a desirable magazine. Like any creative process, it's a little bit magical, needs the freedom to make a mistake and try an experiment. Cost cutting, long the mantra, became even more severe with the advent of Reaganomics. Anybody with seniority, therefore expensive, had to be eliminated and replaced with kids just out of school. Curtailing travel and entertainment closed down valuable ways to keep "content providers'" ears and eyes open to the world. Eliminating staff photographers and keeping their remuneration at the level of 1980 would produce little protest: they have no business sense and they are an insecure and disorganized lot.

In 1985 a day of work in the editorial field paid \$400, and the cost of a professional camera was about \$650. In 2001, the day rate is \$400 and a camera goes for over \$3,000 and a digital one for \$5,000. *Newsweek* has just proposed to lower the day rate, and no doubt plenty of photographers desperate for work will accept it. But it will merely postpone applying for unemployment.

The resale of photographs after their first publication used to

be a way to supplement income for independent photojournalists and to begin to make up the disproportionate difference in payment to commercial photographers. This also is being taken away. While most photographers are independent, magazines have devised ways to grab all the rights to their images by the force of a contract with intimidation. Photo agencies have represented photographers, and sold and resold their work. But so little is being paid for pictures that in the last few years about eighty percent of the picture agencies in America have gone up for sale.

As both photographers and agencies could not make ends meet it created the opportunity to acquire for a song most of the visual material that has been created in this century. Gates proclaimed that, out of his own pocket, he was going to put together what could be described as the *Library of Alexandria of Photography*. Getty followed his example and, between the two of them, they have cornered the best part of the images of the world. The pictures were meant to be scanned and available on-line for everybody to use at the click of a mouse. The few who did not sell to them, find themselves at the edge of a murderous price war where the main opponents are lowering the prices so much that only the one with the deepest pockets will survive.

Prices for a picture today often represent less than eight per-

cent of what it costs to produce it. Magazine and book publishers, of course, love the low prices and would be the last to protest. At one time, an editor would have assigned a photographer to produce an exclusive and unique image. But, other than fashion and food, assignment work for magazines has been reduced to a trickle.

So here we are back at the funeral: the Corbis agency, Bill Gates's personal business venture, after scanning two percent of the Bettman Archives, discovers there is not much profit in selling photographs and buries the rest underground, with two caretakers and talk of preservation. Generic photographs will always be available on-line: old tanned and healthy retired people, children with golden retrievers, businessmen shaking hands, a couple on a white beach, an executive looking woman on her cellular phone. But for the real pictures of our life, you will have to go into the sepulcher and try to convince two employees to search through millions of images packed in crates. ∞

New York photographer Enrico Ferorelli, a former director of ASMP, is a veteran photojournalist whose work has appeared in many major international magazines. His work can be seen at [www.ferorelli.com] and [www.flyfishingphotography.com].

ADVERTISEMENT

ASPEN 2001

Blizzard and bears were no match for ASMP BY PETER SKINNER

Neither blizzard-like conditions—including a winter storm which dumped about 20 inches of snow and disrupted travel—nor bears wandering around the town looking for anything edible, could put a damper on the annual ASMP Bradshaw Leadership Conference held in Aspen, Colo., May 4-6. As the winter storm raged all day on Thursday, May 3, conference chair Lon Atkinson was, not surprisingly, concerned that the opening reception that night would be sparsely attended. With each hour of more snow, all Atkinson's well laid plans were in jeopardy. Aspen Airport was closed, stranding travelers trying to fly out and preventing the majority of the ASMP conference attendees from flying in. But as the day wore on, and the snow continued to bucket down, determined ASMP folk began arriving—by car, van, and chartered mini-buses. No doubt a huge sigh of relief came from Atkinson when the reception kicked off on time.

And the bears? Well, Aspen is having something of a black bear problem. It seems that bears also like the popular ski and summer recreation resort and are coming into town in increasing numbers, foraging for food and enjoying all the city has to offer. Each visitor to the Aspen Meadows and Institute was handed a written warning that bears had been seen on the property and offering advice on what to do if meeting one. As it happened, no ursine confrontations were reported, the sun came out, the sky was blue, and a successful conference was completed on schedule.

Dr. Robert Alan Black, doctor of creative thinking from Athens, Georgia, who has attended previous conferences and board meetings, again played a motivational role and initiated several group dynamic exercises to focus on major issues and their resolution. Another highlight of the conference was attendance by Marybeth Peters, the United States Register of Copyrights, who was presented with an ASMP Special Citation Award (See *First Words*, page 5) and also participated in a general discussion session on copyrights during which she covered aspects of new copyright registration regulations which are expected to be in force soon. The new regulations, for which the language was being finalized, will simplify the registration procedure for published work. Ms. Peters told the conference that ASMP had played a key role in working with the Copyright Office in writing these new copyright registration regulations.

Traditional chapter and special interest group leaders' concerns and issues—such as developing chapter community, programs, communications, morale, and fund raising—were discussed during

small group sessions, but the principal topic of the conference was the creation of the Photographers' & Illustrators' Copyright agency. The manner in which the cooperative is set up, and the general function and operational plans for the new venture were presented by representatives of Cooperative Solutions, ASMP, and others.

While the launching and operations of the cooperative will be detailed in future ASMP media and in communications from Cooperative Solutions, the key elements of the new entity were outlined by **Rosemary Mahoney**, director of new ventures, Cooperative Solutions; **Betty Massey**, director of recruitment, Cooperative Solutions; **Kristen Giordano**, director of MIRA; **Richard Weisgrau**, executive director, ASMP.

Mahoney and Massey outlined the 200-year history of cooperatives in the United States, explained the modus operandi of cooperatives and their function within numerous industries and how the photographers' cooperative could operate.

Kristen Giordano explained MIRA's role in the cooperative—it will be a brand name within it and will be owned and operated by the co-op—and the added leverage photographers would gain in areas such as marketing, sales and fees by being members of a cooperative.

Weisgrau, who last year was instructed by the ASMP board to investigate collective licensing as a means to give photographers greater market force, outlined how he had approached potential financiers and established a liaison with Cooperative Solutions and the National Cooperative Bank, NCB. Subsequently, Cooperative Solutions had worked closely with him in writing the business plan which was approved by the NCB.

Note: These presentations can be seen in the Chapter Resource Section of members-only at [www.asmp.org]. Additionally, general information and a *Declaration of Intent* to join the cooperative—and where to send it—can be seen under *What's New* at www.asmp.org.

After hearing the presentations and viewing materials, conference attendees expressed wholehearted support for the venture and most signed a statement of intent to join.

KEY ASPECTS OF THE COOPERATIVE ARE:

The co-op will not be an ASMP operation. It will be run by its own board and staff, completely separate from ASMP. ASMP's role, and it has been a major one to this point, has been as a catalyst in having a business plan developed and obtaining outside funding.

The business plan and the structure for the photographers' and

illustrators' cooperative were developed by Cooperative Solutions, America's first cooperative incubator. Cooperative Solutions is in the business of evaluating co-ops and their chances of success and this one has received their highest rating.

The co-op will be open to all photographers (not just ASMP members). Obviously, ASMP will encourage its members to join and will promote the potential value of the cooperative. Cooperative Solutions will work in conjunction with ASMP on recruitment efforts.

Those who join the co-op will own their copyrights and will not be transferring those copyrights.

Members of the co-op will pay a non-refundable application fee and will purchase one share of stock. Initially, they have been set as a \$50 application fee and a \$100, one-time, stock purchase. The board of directors can change those fees. If a member leaves, the co-op will buy that share back.

Initially the photographers' co-op would concentrate on stock photography, operating on a 70-30 split with photographers, and then move into assignment photography beginning with editorial work.

Information on cooperatives and the comprehensive *A Proposal for Independent Creators*, written by Tom Guidera III and Woody Packard, were in the April *Bulletin* and can still be seen on-line at www.asmp.org. Members wishing to learn more about cooperatives and Cooperative Solutions should go to [www.coopbuilders.com].

COOPERATIVE CEO IS APPOINTED

Kristen F. Giordano has been appointed president and CEO of the Photographers' and Illustrators' Copyright Agency. Her professional career encompasses years of experience in product and market development, sales management and marketing communications. For many years, she has focused these skills in the fields of information technology and copyright protection. Giordano comes to the cooperative from Copyright



ASMP leaders, members and staff, photographed against the backdrop of Aspen's hillside homes. The traditional group photo mound location was buried in snow, hence a different location for this year's group shot.

© 2001 KODAK PROFESSIONAL DCS PRO BACK

Clearance Center (CCC) where she has spent five years working solely with photographers, authors and other creators and their respective trade organizations, as the primary liaison for CCC. Her role in the past five years has focused on the development of secondary licensing systems, the creation of royalty distribution programs and the expansion of market opportunities for creators. In particular, for the past 18 months, her primary focus at CCC has been the revitalization and management of Mira—modernizing the program, developing a new infrastructure, and establishing a focus for the future. Giordano holds degrees in marketing and statistics from Babson College, Mass.

INCIDENTAL HIGHLIGHTS

The annual conference attendee slide show was produced by Dave Barry. Door prize winners were: **John Slemp**, Epson 1280 printer; **Rocky Kneten**, Nikon CoolPix 990 door prize; **Woody Packard** and **Harold McCray**, Adobe GoLive software; **Loren Fisher**, Adobe LiveMotion. ∞

CONFERENCE SPONSORS

The following made the annual Bradshaw Leadership Conference a success and ASMP thanks them for their support.

Principal sponsors

Kodak Professional
Fujifilm Professional

Additional sponsors

Adobe
Barry Productions
Chimera
DuPont Teijin Films
Dyna-Lite
Epson
Havey Productions
Nikon
PrintFile
Polaroid
Taylor & Taylor Associates
Elyse Weissberg

THE GETTY CONTRACT

ASMP's advice: reject it! BY RICHARD WEISGRAU

Recently, ASMP endorsed the work of the Stock Artists Alliance (SAA), which is engaged in negotiations with Getty Images over a new contract being offered by Getty. ASMP did not comment on the SAA's position on the contract terms, as it had not received nor been asked to review a copy of the Getty contract. However, ASMP did endorse the work of the SAA since ASMP is always supportive of reasonable efforts by photographers to improve their interests.

In mid-April, Getty Images sent a copy of its new contract offering to ASMP, after a phone call in which it assured this writer that its new offering demonstrated Getty's concern for photographers as well as its intent to stop the erosion of the photographer's rate of return.

ASMP responded that it was certain that the new contract would never be approved by ASMP, as we had no reason to believe that the egregious behavior of Getty toward photographers had ended or would end. We further explained that as long as Getty failed to settle fairly with ASMP member Penny Gentieu, ASMP had no reason to even consider entering into a dialogue with Getty. Gentieu refused to sign the last contract issued by Getty, and she has suffered serious consequences ever since. She had to get a court order just to audit her records at Getty, and she filed suit because of the discrepancies discovered and the alleged breach of her contract by Getty.

Until recently, no photographer had asked ASMP to review or comment on the contract, so we did not. ASMP has a policy against publicly inserting itself into contractual disputes between two parties unless requested. When, for the first time, a photographer who had been offered the contract asked ASMP to review and comment on it, ASMP analyzed the Getty contract and its Brand agreements. Here are our comments.

ASMP agrees with the comments on the contract published by SAA, and, as we understand, drawn by the SAA's attorney. The legal analysis points out the major flaws in the contract. It would be redundant to restate that legal analysis and those objections to the Getty contract, so ASMP offers its opinion from the perspective of both common and good business sense.

Summarizing our opinion can be brief. The Getty Images contract currently under discussion between SAA and Getty is offensive, insulting, unfair, unreasonable, guileful, and, if it were not a legal document, drafted by attorneys, we would call it a "con."

The language is so obtuse and convoluted that it deviates from the normally difficult language of a contract to become almost impossible to navigate without countless hours of effort. Was that done to assure that photographers could not understand it, or was

it to assure that they would receive unacceptably high fee estimates from attorneys whom they might seek out for help? It certainly was not done to make the contract clear or understandable.

The contract has marginal boxes with notes that are supposed to make the language in the contract body more understandable. Nice trick, but more guile. For example, in one box it states: "The Brand Company....will give you credit where appropriate, for instance, in editorial uses." That reads as if the photographer WILL receive credit in editorial uses, but the actual body of the contract states: "The Brand Company shall advise Clients of such credit and will encourage, but not obligate them to do the same where appropriate."

ASMP members in the 1950s and 1960s fought hard to secure the right to credit on editorial photography. Many lost work and clients in that fight. Such credit became an industry standard. Getty now seeks to reverse those gains. Photographers are obviously insignificant in the Getty value scheme. So their explanation in that one little box is not supported by the contract's language. Is that guile? ASMP thinks it is.

Just as important as Getty's guile is its disregard for the rights of photographers. The contract starts out acknowledging that the photographer will retain copyright in all images created by the photographer. Then it proceeds, in clause after clause, to take away the photographer's right to exercise most of those rights. Whenever it allows the exercise of a copyright right by a photographer it conditions that exercise so that the company can stop it if it wishes.

Perhaps the crowning glory in the annals of egregious treatment of photographers is this combination punch. In the *Brand Agreements* that accompany the contract Getty is given the exclusive right to do anything to the images accepted from a photographer, including to make derivative works, combine, or recast works, etc. The contributing photographer has no rights in any of these second generation works. So, if Getty adds a simple prop to a photograph the photographer loses all rights in the resultant work even though it might be substantially similar (the infringement test) to the photographer's work.

Could the photographer take action against Getty or one of its Brands, affiliates, clients, or anyone?

"To accept it
is to seal
your destiny
as a slave
of the
Getty empire."

cont. on p. 16

IMAGE IS THE KEY

On lowballing and being a professional BY LESLIE BURNS

As a rep, I encounter lowballing more often than I wish was the case. Clients will say, "This guy came in at under half what you want. We have to go with him." While we all want to think that a photographer is chosen more often than not for his/her abilities, we also all know that it's more and more often not the case. Clients are being forced to give more weight to price; and the lowballer is giving them this option. So, just what is lowballing and why is it really bad for all of us? Many people define lowballing as the act of charging less than your competition. Trouble is, that's not an accurate definition. Lowballing is charging less than the fair market price. The difference between those two definitions is enormous. Think about it, what's the difference between losing a gig to a shooter whose estimate on a \$10,000 project was \$500 less than yours, and one who is willing to charge \$1000 for the whole shoot, including all the rights? In both situations, you didn't get the

work, right? However, in the first case you know that the other shooter was probably chosen because his/her style was more appropriate, or they have a long-standing working relationship with the client, or they brought something else to the project that worked better for the client. In the second case, it's all about the money.

Lowballers usually rationalize their actions by saying that they work more days than other shooters and it provides them a living. They say that they have lower overheads which permit them to charge less and that if others want to compete, they'd better reduce their overheads and lower their rates. The problem with those lines of thinking is that lowballing isn't about competition, it's about desperation and fear. They fear that if they don't charge less, they won't get the job and thus won't be able to feed their families. They have to work more days in order to make that living, and worry that losing any project can be a threat to survival. If they restrict usage, they're afraid they might lose a job. It's all about working from the negative.

And that's where professionalism comes

in. How do we define the term "professional?" Is a professional simply one who gets paid? One who somehow manages to survive (however well) on the money earned by their work? Or, is a professional someone who consistently takes pride in their work, who strives to improve their abilities and techniques in order to add to the profession, and who, through the demonstration of that pride and those skills, is also rewarded financially for their efforts?

If we intend to continue making a living in this arena, it had better be the latter.

Most of the professional photographers I know shoot because they are driven to make images. It is a vocation, in the classical sense of the word: a calling. This drive causes them to provide images for their clients which exceed the clients' expectations on at least some level, even on the least challenging projects. They seek that mysterious "something more" than the obvious, even when shooting the easiest object on white (for example) which, technically, they could do in their sleep.

Professional photographers do not "take pictures" like the rest of us, they *make*

images. The word "image" itself demonstrates this difference. A photographic image is simultaneously tangible (the transparency or print) and intangible (the art). And, with the increase of digital technology, the tangible is becoming even less and less a part of it. So it must be the intangible, the artistry, which is more important. Therefore, we must base our pricing on the value of these images, not simply the ability to show up and use a camera. Anyone can take a picture. Not everyone can make an image. That difference creates the value in photography.

Lowballing brings down the fair market value of all photography. And that, in the end, hurts the lowballer as well as the rest of us. Once the bar is lowered to the lowballers' level, there will not only be no raising of it (no matter how we try), but also, sooner or later, someone else will lowball the lowballers and the downward spiral will continue. This behavior is not professional and we must do all we can to educate the lowballer to this fact.

We are the lucky few who are getting to do that which we love for a living. Let us not cheapen this fantastic opportunity by being less than true professionals. ∞

© 2001 Leslie Burns - *Leslie Burns is the owner of Burns Auto Parts, artist representatives, Columbus, Ohio. She has been involved in the industry, directly and indirectly, since 1992 and can be reached at [leslie@burnsautoparts.com]. This article first appeared in the ASMP Ohio Valley chapter's Winter 2001 newsletter, Image and is reprinted with permission.*

ASMP Board Minutes

Sunday, May 6, 2001

Aspen, CO

Session began at 1:30 PM

Roll Call

Present: Morton Beebe, Michael Cardacino, John Greim, Dave Harp, Matt Herron, Scott Highton, Mary Beth McAuley, Margaretta K. Mitchell, Eugene Mopsik, Woody Packard, Stan Rowin, Lee Schulman, Clem Spalding, Robert Wiley.

Others Present: Elena Goertz, Jerrienne Lowther (Alaska), Victor Perlman, Peter Skinner, Cilla Skinner, Richard Weisgrau.

President Dave Harp chaired the meeting.

Opening Remarks

President Dave Harp welcomed everyone to Aspen with a special

welcome to new director Clem Spalding. On behalf of chair Lon Atkinson he thanked the board for their participation in the Bradshaw Leadership Conference and said the meetings had gone well. Harp said these were good times for ASMP but not necessarily for photographers. With the cooperative now in place the board needed to focus on where ASMP should go next.

Letter of Resignation

Past president Eugene Mopsik read to the board a resignation letter he had received from director Tom Guidera. In the letter Guidera pointed out that he was resigning for personal reasons and emphasized that no one should misconstrue that his resignation was for any other reasons and hoped that no attempt would be made to make political gain from it.

Motion: That the board of directors express their deep appreciation to Don Luce for his years of service to the board. (McAuley/Mitchell) Passed unanimously.

Motion: That the board of directors thank Tom Guidera for his years of service to ASMP. (Schulman/Wiley) Passed unanimously.

At this time chair Dave Harp welcomed Rick Barnes (Los Angeles), Dan Bronson (Oregon) and Christie Hazen (Oregon) to the meeting.

Update on Co-op

Executive director Richard Weisgrau updated the board on the status of the cooperative. This was followed by discussions and Q&A.

At this time chair Dave Harp welcomed Robert Alan Black (conference speaker), Blake Discher (Michigan) and Susan Carr (Michigan) to the meeting.

Report on E-commerce

Executive director Richard Weisgrau gave a presentation to the board which included plans to develop an e-commerce site for ASMP and explore ways to do this.

Report on Society's financial condition

Executive director Richard Weisgrau updated the board on the financial condition of the Society. The report submitted was accepted by the board.

Application fees

The board examined the results of the past year's trial program of giving chapters the application fees paid by members joining ASMP through the respective chapters. Comparison with previous years indicated there were no increases in new membership applications through chapters. A unanimous decision was made by the board to cease distributing membership application fees to the chapters as of the start of the next fiscal year October 1, 2001.

At this time chair Dave Harp welcomed Tom Eglin (Phoenix) to the meeting.

Discussion of possible dues increase

A discussion of a possible dues increase took place and was eventually tabled for further study and discussion.



The ASMP board of directors for 2001-2002.

Sitting, from left: Michael Cardacino, Matt Herron, Mary Beth McAuley, Woody Packard, Dave Harp, Scott Highton, Clem Spalding, Robert Wiley. Standing, from left: Gretta Mitchell, Mort Beebe, John Greim, Lee Schulman, Stanley Rowin, Gene Mopsik.

ASMP Foundation

Mary Beth McAuley, liaison to the ASMP Foundation board updated the board on the progress of the Foundation and distributed a draft Identity Brochure for review.

Report on Bradshaw Leadership Conference

As all directors attended the Bradshaw Leadership Conference, a report was not necessary. Robert Wiley is to investigate alternative sites and sponsorship for the conference.

Report on New York chapter meeting and chapter status

Eugene Mopsik and Michael Cardacino reported to the board on a meeting they attended in New York on the status of the New York chapter. President Dave Harp also attended that meeting. The meeting addressed the problems of the chapter and how the chapter could be reorganized to form a community.

Motion: ASMP president Dave Harp is authorized to sign checks and other instruments as the sole signatory thereon, and to do all other things necessary or appropriate to secure possession and control by the American Society of Media Photographers, Inc. of any and all assets currently in the name, possession and/or control of the Society's New York chapter. This authority shall specifically include, but not be limited to, taking possession to the funds currently held in Chase Manhattan Checking Account #xxx-xxxxxx and closing said bank account. (Highton/Cardacino) Passed. (11 – in favor, 2 – abstaining).

Discussion of chapters with problems and possible solutions

A problem with the Long Island chapter finances was brought to the attention of the board. After discussion the item was tabled for further investigation.

At this time Bruce Kluckhohn and Rodd Komis (Minneapolis/St. Paul) joined the meeting.

Vacancy on the board

Eugene Mopsik, chair nominations committee, spoke to the board on the vacancy created by the resignation of Tom Guidera and will be speaking to possible candidates and reporting back with 3 viable candidates for the board to consider and vote on.

Session ended 4:30 PM

Monday, May 7, 2001

Session began at 8:30 AM
Roll Call

Present: Morton Beebe, Michael Cardacino, John Greim, Dave Harp, Matt Herron, Scott Highton, Mary Beth McAuley, Margaretta K. Mitchell, Eugene Mopsik, Woody Packard, Stan Rowin, Lee Schulman, Clem Spalding, Robert Wiley.

Others Present: Elena Goertz, Jerrienne Lowther (Alaska), Victor Perlman, Peter Skinner, Cilla Skinner, Richard Weisgrau.

Executive director's report and recommendations on strategic directions

Executive director Richard Weisgrau presented the strategic planning document for 2001/2002 to the board for discussion. ASMP's strategic operations were discussed at length



ASMP president, Dave Harp, a picture of concentration.

© 2001 RICHARD WEISGRAU

and the executive director will amend the existing strategic plan to incorporate new directions the Society could take.

Staff Matters

Motion: Go into executive session. (McAuley/Herron) Passed unanimously. (According to Art. VII Sec. 12 of the ASMP Constitution, a board meeting may be closed to all persons except board members and others by board invitation only, in order to discuss and vote on personnel, legal matters, and matters relating to membership.)

Motion: Go out of executive session. (Mitchell/seconds) Passed unanimously.

Possible dues increase

This matter was referred to the executive board for further investigation.

MP©A committee

Motion: That By-Law No. 12 is repealed in light of the transfer of MP©A's activities to the photographers' and illustrators' cooperative. (Herron/Highton)

Passed. (12 - in favor, 1 – abstaining).

Committee and study group appointments

The following were appointed chairs by the president Dave Harp.

- Executive Search committee
Mary Beth McAuley
- Membership committee
Margaretta Mitchell
- Nominating committee
Eugene Mopsik
- Communications study group
To be appointed
- Chapter and Special Interest study group
Lee Schulman

Set date and place for next board meeting

The next board meeting will be held in Philadelphia, PA, November 3 – 4, 2001

Motion: That the meeting be adjourned (4:30 PM) (Herron/seconds) Passed unanimously. ∞

OurCover

There are not many of the world's oceans or seas that marine specialist Chuck Davis has not ventured into during his career as a photographer and cinematographer. From the freezing climes of Antarctica to the heat and humidity of the Amazon, Davis has filmed on, under and around the ocean and other aquatic environments. And yet, as so many other photographers often find, Davis's own backyard (albeit a marine one) offers photographic subject matter equal to most others found in more exotic locations.

Davis, who is based in Pacific Grove, California, has spent countless hours diving and photographing in his home waters off the California coast. He made the cover image of these Pacific bluenose dolphins, which appear to be hanging in space, while breath hold diving several miles northeast of Catalina Island. He used a Nikon F3 with 16mm full frame fisheye lens in an Aqua Visions Aquatica 3N underwater housing. Davis relied on ambient light only and, in keeping with his desire to increase his collection of fine art, black and white marine images, used Kodak T-Max film.

Chuck Davis is among the elite of marine specialists and his international assignments have included about 20 filming expeditions worldwide for the Cousteau Society television programs aboard the well-known vessels *Alcyone*, its predecessor *Calypso*, and with special flying teams. He has also worked as director of photography and camera operator on several IMAX and IMAX-DOME feature documentaries such as *Ring of Fire*, *Search for the Great Sharks*, and *Whales*. His magazine credits include numerous prestigious publications including *Audubon*, *National Geographic*, *Natural History*, *Smithsonian*, *Time*, and *BBC Wildlife*. Davis's work can be seen at [www.AGPix.com/chuckdavis]. ∞

THE GETTY CONTRACT *cont. from p. 12*

Could a photographer take action against Getty, if it hired another photographer to actually duplicate the original photographer's image? No, the photographer who has been intentionally copied cannot take legal action. Why not? Because the contract grants Getty the exclusive right to bring such an action. The photographer cannot make such a claim without Getty's approval. At best the photographer might be able to sue for breach of contract, but with Getty holding such broad licensing rights and the exclusive right to file claims over accepted images, the suit is unlikely to be successful.

In summary, ASMP thought that indentured servitude went out with the Civil War. It appears that Getty is working hard to bring it back. It is not only offensive to expect a photographer to sign the contract, but it is insulting just to offer it. ASMP urges every photographer offered the Getty contract to reject it. To accept it is to seal your destiny as a slave of the Getty empire. Do not surrender your dignity to Getty! ∞

Classifieds

NOVASTOCK PHOTO AGENCY

For your copy of our most recent photographer's newsletter, contact us at email: novastock@aol.com

ANDREW BERGER

COPYRIGHT AND TRADEMARK INFRINGEMENT
TANNENBAUM HELPERN SYRACUSE & HIRSCHTRITT LLP
900 THIRD AVENUE
NEW YORK, N.Y. 10022
Tel: 212-508-6700 Fax: 212-371-1084

ROBERT M. CAVALLO

ATTORNEY AT LAW

400 Park Avenue Tel: 212 753-2224
New York, N.Y. 10022 Fax: 212 753-7113

Got the Nicad Blues? Hass-EL Converter™

is the hassle-free alternative to the Nicads used in Hasselblad EL, ELM and ELX cameras

- No camera modification
- Uses standard 9 volt battery
- \$82.95 per pair batteries included
- Approx. 1600 exposures

Call Toll-Free 877-290-8869
Outside U.S. 210-340-0963

WWW.Hasselconverter.com

r . r i c h a r d h o b b s n y c a r e a b a s e d

photography location
production scouting-mgt
coordination
casting digitally
services capable

8 0 0 . 3 1 4 . 5 7 0 3
r r h o b b s @ b i g f o o t . c o m
w w w . r r h o b b s . c o m

Ready for Digital? We Are!

Professional Digital Cameras

Kodak • Fuji • Sony • Nikon

Print and Film Scanners

Imacon • Sony • Kodak
Linocolor-Heidelberg • Nikon

Digital Printers & Supplies

Fuji • Kodak • Sony • Epson
Xerox-Tektronix

Color Management Solutions

LaCie • Linocolor • Praxisoft • X-Rite

LOGIX is Your Source for Digital Imaging
Equipment, Supplies, Training & Support



LOGIX, INC.

734-522-6900

www.logix-usa.com



Authorized Reseller

NewMembers'Zone

The following have applied for membership in ASMP. Any comments, either positive or negative, relating to these applicants should be sent to the Membership Coordinator at ASMP Headquarters. After 20 days, applicants with no unfavorable comments shall be accepted.

ALASKA

CONTI, MICHAEL AF
C. MISHLER J. BARR

ARIZONA

BERKNER, PAUL M. GM
T. EGLIN D. OWEN

WRIGHT, MICHAEL AS
T. EGLIN P. MARKOW

AUSTIN/SAN ANTONIO

THORNBROUGH, BENNIE GM
M. LANFORD T. MAURER

BALTIMORE

ELLIOTT, BENITA TRGM
J. HERRMANN H. MCCRAY

CAPITAL REGION

JOHNSON, SYLVIA GM
O. ROSEN D. HATHCOX

CENTRAL FLORIDA

ANKARO, WERONICA GM
V. BOWEN S. O'NEAL

FONTAINE, SUE J. STUD

DAYTONA BEACH COMM. COLLEGE

HJALMEBY, MARTINA STUD

DAYTONA BEACH COMM. COLLEGE

RANK, DAWN M. STUD

DAYTONA BEACH COMM. COLLEGE

CENTRAL VIRGINIA

DEARBORN IV, ALEXANDER R. GM
J. HENLEY C. MITCHELL

HEINZ, CRAIG D. AF

D. STOVER L. BRAUER

COLORADO

CASTNER, WILLIAM GM
T. DEL AMO R. CLARKSON

DENSMORE, JA TRGM

M. DURRANCE D. DURRANCE

HAWTHORNE, ROBERT GM

D. CUDNEY S. GODDARD

SMITH, BOB AS

T. SUSTERSIC J. SILVERMAN

DALLAS

OLVERA, JIM GM
S. MCALISTER D. DAVIS

LOS ANGELES

WERNER, SUSAN GM
M. HARMEL B. FRANKEL

NEW ENGLAND

ASMUNDSSON, SMARI AS
G. PEET R. QUACKENBUSH

HARRIS, BRIAN F. GM

D. BRADLEY R. THIES

SPIRAKIS, JIM REGM

MEMBERSHIP COMMITTEE

NEW MEXICO

MERRIAM, DOUGLAS REGM
E. SWANSON J. KOTZ

NORTH CAROLINA

ADAMS, LISA R. GM
D. DAVIS D. BRENIZER

CHOINIÈRE, GERWIN GM

P. STAUB D. CROSBY

FLYNN, THOMAS L. STUD

MCDOWELL TECH. COMM. COLL.

IANNARELLI, DAVID GM

D. DAVIS C. REGISTER

SILLA, JON GM

D. DAVIS C. REGISTER

NEW YORK

ELLIOTT, AMY GM
P. GENTIEU M. CARDACINO

NORTHERN CALIFORNIA

WU, NORBERT REGM
MEMBERSHIP COMMITTEE

OHIO VALLEY

FINFROCK, AMBER STUD
ANTONELLI COLLEGE

GRANT, LISA STUD

ANTONELLI COLLEGE

MEADOWS, BRUCE E. GM

J. MILES WOLF T. ROGOWSKI

MOBERLY, BRYAN GM

K. HAYDEN J. FITZGERALD

SCHULZ, TIFFANY L. STUD

ANTONELLI COLLEGE

WAGNER, ERIC TRAF

J. RYCUS M. FOLEY

OHIO/NORTHCOAST

SANDY, RICHARD RETRAS
J. WAYNE L. TREPAL

PHILADELPHIA

HAUSE, LISA A. STUD
COMM. COLLEGE OF PHILADELPHIA

MARQUART, JULIE GM

M. PILLA I. RICHARDSON

MCVEY, JANETTE AF

J. RETTALACK S. BEGLEITER

PITTSBURGH

BIRD, ROBERT L. GM
T. CLARK D. MITCHELL

PATHO JR., ALEXANDER GM

J. WOLF R. KELLY

PATHO, ALEXANDER PS

J. WOLF R. KELLY

SAN DIEGO

BECKER, LINDA J. AF
D. GATLEY R. GARRISON

SEATTLE/NORTHWEST

BARWICK, THOMAS M. TRGM
M. SEIDL D. BUSER

HAYNES, REMY TRAF

S. MOSSBERG P. BENNETT

SCOTT, RANDALL GM

K. LATONA B. SMALE

SZE, SILVESTER P. AF

D. BUSER J. ROSS

ST. LOUIS

PEARSON-GRAHAM, JAN TRAS
J. RINEHART D. ULMER

VON DIEST, CURT STUD

WEBSTER UNIVERSITY

SOUTH CAROLINA

JOHNSON, LARS ADAM AS
R. CLARK R. SMOAK

MCGRAW, THERESA F. AS

P. NURNBERG G. SMITH

SOUTH FLORIDA

GOUAK, ELISSA STUD
ART INSTITUTE OF FT. LAUDERDALE

ORTA, RICARDO A. STUD

ART INSTITUTE OF FT. LAUDERDALE

PASCUZZI, CARL M. STUD

ART INSTITUTE OF FT. LAUDERDALE

SILVA, JUAN GM

L. CASTANEDA D. KLUMP

RODRIGUEZ, VIVI STUD

ART INSTITUTE OF FT. LAUDERDALE

WARSHAUER, NICOLE STUD

ART INSTITUTE OF FT. LAUDERDALE

VILA, VINCENT TUD

ART INSTITUTE OF FT. LAUDERDALE

UTAH/MOUNTAIN WEST

KOWALLIS, BRANDON STUD
BRIGHAM YOUNG UNIV.

WESTERN NEW YORK

PELUSO, DEBORAH L. STUD
ROCHESTER INSTITUTE OF TECH.

ADVERTISEMENT

News**lines**

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

SAA demonstrates at Getty-sponsored ICP Awards - by Gary Gladstone

Over 70 outspoken photographers walked in an orderly but very vocal sign-waving demonstration outside Manhattan's Ciroiani Club where ICP was holding their Getty-sponsored annual Infinity Awards on May 15. Editorial, fashion, portrait, advertising, stock and industrial shooters were in the march.

The annual gala, a high point in New York photo events, is attended by many important people in the professional photography business including photographers, manufacturers, and photo luminaries from all over the world. For SAA (Stock Artists Alliance) it was the best place to address complaints about Getty's horrendous contract offering in front of a wide and influential industry audience.

Glenn Allison, SAA's chief flew in from California to march and carry signs with the photographers. Many photographers who were invited guests, including Luc Delahaye, one of the evening's honorees, walked outside to briefly join the demonstration and chat with marchers. Among those who came outside to chat were Gordon Parks, Jay Maisel, Jack Reznicki and other major shooters. Joel Hecker, a well known intellectual property attorney, stopped by to talk with marchers on the line.

A few manufacturers let it be known that they were concerned about our cause. Dan Steinhardt from Epson and Mike Newler from Canon, both active supporters of photographers and photo organizations, came to spend time with the marchers.

Jonathan Klein and Mark Getty ventured outside and talked for a full 15 minutes with Joe Pobereskin and other marchers at the picket line. The discussion was general and friendly. When it was suggested to Getty and Klein that instead of lawyers talking with lawyers about our concerns, it might be more fruitful to sit down and talk face to face to address concerns, they both said that it was best having the lawyers dealing with the lawyers because the points were legal. Some who were present saw this as a distancing technique to allow screening of issues. ICP sent out an executive from its public relations firm executive to let us know that they were concerned about our complaints that ICP has accepted money from Getty. Their position seemed to be that they needed the money and weren't aware of what our concerns were regarding Getty. There was palpable feeling of brother and sisterhood at this event. Everybody was good natured and spent about 80 percent of the time chanting or marching and 20 percent schmoozing with other photographers or talking with interested passers-by.



Placard waving photographers protest Getty Images' new contract in a demonstration outside ICP, New York.

© 2001 ALLAN TANENBAUM

Arise, Sir Frans

ASMP member and internationally-renown wildlife photographer Frans Lanting has been knighted by Prince Bernhard of the Netherlands for his contributions to environmental awareness on a global scale.

Lanting, who is based in Santa Cruz, Calif., was inducted as a Knight in the Royal Order of the Golden Ark by His Royal Highness Prince Bernhard in a ceremony at the Soestdijk

Palace on March 30.

Prince Bernhard cited Lanting for "his contribution to raise awareness for the beauty of



Frans Lanting, right, is knighted by Prince Bernhard of the Netherlands.

nature and the necessity to protect it; for his continuous effort to extend nature photography beyond its traditional boundaries, which time and again succeeds in amazing people about the wonders of our world."

It is believed that with this honor, Lanting becomes the first ASMP member ever to be knighted. Certainly, he is the first photographer to receive this particular award and

he is in excellent company. Since 1971, some 300 people have been invested in the Royal Order of the Golden Ark including Richard Leakey, Jane Goodall, Sir David Attenborough, Sir Edmund Hillary, Julius Nyerere, Indira Gandhi, George Schaller and Russell Mittermeier. The Order of the Golden Ark was established by Prince Bernhard in 1971 and it is the highest conservation award of the Netherlands.

INTERNATIONAL EXHIBIT OF ERIKA STONE'S IMAGES

Forty-two of Erika Stone's black and white documentary and photojournalistic images are being exhibited in several museums in Germany. The first opened in March at Munich's Central Institut fuer Kunstgeschichte; on June 1, the exhibition moved to the Augustiner Museum in Freiberg and in August it will open at the Photomuseum Burghausen in Bavaria. Additionally, a book of 60 of Stone's photographs will be published by the Gina Kehayoff Publishing House.

PHILIPPE HALSMAN EXHIBIT IN LONDON AND PARIS, SUMMER AND FALL

An exhibit of work by the late Philippe Halsman, ASMP's first president (1944-45) will be shown in the National Portrait Gallery, London, England, (on Trafalgar Square) May 23 - September 2 and at the Hotel de Sully in Paris, France from October 4 - January 6. The exhibit of Halsman's internationally-acclaimed photography recently has toured four locations in the U.S. During his career Halsman produced 101 covers for *LIFE* magazine and in 1975 received ASMP's Lifetime Achievement Award.

LEPP INSTITUTE OF DIGITAL IMAGING IS FOUNDED

ASMP member and well-known outdoor photographer and writer George Lepp of Los Osos, Calif., has founded a digital workshop program incorporating both traditional and electronic image gathering and presentation. The program will offer five-day interactive photography workshops with a state-of-the-art digital darkroom lab. Most courses will include one or two days of field photography, led by Lepp. Courses will be limited to 12 participants. For information: [www.leppinstitute.com].

KODACHROME 200 RIP

Eastman Kodak is discontinuing its Kodachrome 200 professional film from mid-2001 but will continue producing Kodachrome 64 professional in 35mm format for the foreseeable future and while it continues to sell well. A Kodak Professional spokesman said that the company's E200 film was being promoted as the ideal replacement for Kodachrome 200. Photographers who have supplies of Kodachrome 200 will still be able to have it processed as usual.

PHOTOSHOP PLUG-IN IS AVAILABLE

INFINITimages is offering ASMP members a special deal on Fotopage Platinum, which creates advanced contact sheets in Photoshop to solve proofing, copyright registration, and client approval needs of photographers. The software is available only at [www.infinimages.com]. Click on the "ASMP Members Page" button. A portion of every purchase will be returned back to ASMP.

What's Hot

Pictor files under Chapter 11

Pictor International has filed for reorganization under Chapter 11 of the US Bankruptcy Code in Washington, DC. An e-mail message to this effect was sent to Pictor photographers from Adrian Peacock, of Pictor (London). As ASMP understands, the company has a relatively small amount of assets available to pay off all of its unsecured creditors, which would include its photographers. That means that it is uncertain whether any photographer would get more than a nominal amount.

ASMP can see that it would be in the best interests of Pictor and its investors to have the photographers keep their contracts and images in place at Pictor, so that it can try to sell Pictor as a going operation with a marketable stock library to some entity (e.g. Corbis or Getty) that might want to buy it and keep it running. However, ASMP managing director and general counsel Victor Perlman, said that given the condition of the stock photography market, he did not necessarily agree that that would be in the best interests of the photographers.

"The value of stock photography has been so thoroughly decimated by the same forces that have put Pictor into Chapter 11 that I have a hard time seeing that photographers will be better off later than they are now. In addition, it is generally more likely to be in the interests of the debtor (Pictor) to drag things out, and of the unsecured creditors (the photographers) to wind things up quickly," he said.

He suggested that Pictor photographers do the following. First, make sure that Pictor has them on its list of photographers. If photographers have received an e-mail or letter from Peacock, they probably are on Pictor's list. Later, there will be a procedure for photographers to file a "proof of claim" with the Bankruptcy Court. "Right now you just want to make sure that Pictor and/or its attorney know that you are there and how to reach you," said Perlman.

Also Pictor photographers should send Perlman an e-mail (Perlman@asmp.org) with full contact information, a rough estimate of how much Pictor owes you, approximately how many of your original images are in Pictor's possession, and the approximate date on which the photographer last signed a contract with Pictor. Also indicate that, if you are based near DC, whether you can serve on a Creditors' Committee, if one is formed.

Pictor's bankruptcy attorney is: Jeffrey Sherman, Esq., Suite 800, 818 18th Street N.W., Washington, DC. Fax: 202-861-2352 20006. Perlman said that Pictor photographers should not hesitate to contact him, Pictor's attorney, Jeffrey Sherman, or Adrian Peacock with any questions they might have.

Information as it comes to hand, will be posted in the ASMP members-only forum.

ADVERTISEMENT