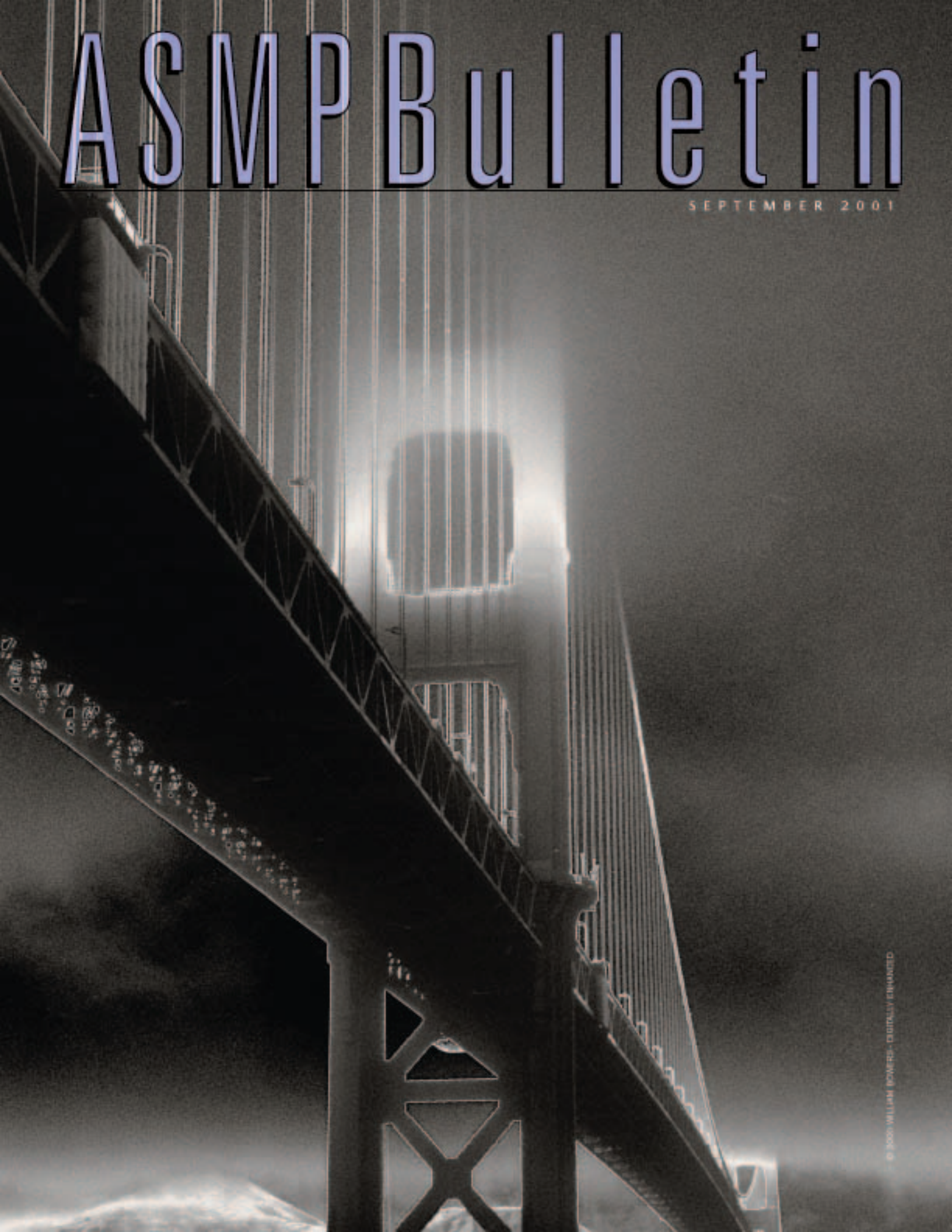


ASMP Bulletin

SEPTEMBER 2001



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Volume 20, Number 7

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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NEW MEMBERS



OUR COVER
Aspen, Colo., member Bill Bowers harnessed digital technology for this image of the Golden Gate Bridge. See page 18.

FOR THE COMMON GOOD

Members are willing to pitch in BY DAVE HARP

National director Margaretta Mitchell, who chairs our Society's membership committee, recently asked board members to comment on which member benefits we each used as general members. She wanted to know which ones work and which ones don't so her committee could produce a report for the fall board meeting and progress to the next step: increasing member benefits.

Her request reminded me of when I, as a chapter president, reviewed prospective members' tear sheets and portfolios and answered questions about our organization. "What are the benefits of being an ASMP member?" they would invariably ask. Of course I would list the discounts, the *Business Bible*, the *Bulletin* and other ASMP publications, the opportunity to network nationally with fellow photographers, and to meet and discuss the technical, financial and aesthetic aspects of our profession at the local level.

Then I would always ask, "What are you willing to give to ASMP? What are you willing to do to improve our profession?"

"...provide for
the common
defense, promote
the general
welfare"

—excerpt from
the preamble to the
Constitution of the
United States."

Their responses were usually very telling: the great majority of them expressed a desire to roll up their sleeves to work to improve conditions for publications photographers, especially in their own community. Since that time it has been my impression that most members pay their dues every year not for the business insurance plan or the FedEx or rental car discounts or even for the popular *Find a Photographer* service on our Web site. It is because they want to be a part of our movement to tangibly improve the lives of photographers. They're willing to pitch in for the common good.

Penny Gentieu, a New York-based photographer whose distinctive baby photographs have been licensed all over

the world, is one member who can tell you about working for the common good. Make no mistake, she is looking out for her own best interests in her suit against Tony Stone/Getty Images. But like Jonathan Tasini, Chuck Gentile, Jerry Greenberg, and other individuals who have dared to confront powerful corporate forces, she keeps the big picture in mind. Penny knows that her success in this endeavor will translate to many successes; when she wins all photographers win.

Penny's action against her agent was well documented by Dick Weisgrau over a year ago in several issues of the *Bulletin* (March and April 2000), so I won't go into the details here. Essentially, she is fighting to hold her "agent"—a word that has been excised from the new Getty contracts—responsible to the photographers it represents by using fair and accurate accounting practices and by dealing with photographers in an ethical manner.

Many tens of thousands of dollars in legal fees later, she is still holding her own against Getty. Discovery is due to be over by September 10, but it has been postponed three times now. "It's been really frustrating and financially draining, but I'm in it for the long haul," she told me recently. "I'm obviously right, there's no way I can lose. I'm not going to go away, that's for sure."

ASMP has contributed \$15,000 from our Legal Action Fund toward Penny's legal expenses and we have helped in small ways with legal advice, but we want to do more. Gentile, Tasini, Greenberg, Gentieu — there certainly will be other names added to the list and the demand for legal action dollars will most assuredly increase.

Your contribution to the Legal Action Fund — either individually or through a chapter-wide fund drive — will not only help the Penny Gentieus and Jerry Greenbergs but will help all photographers. That includes you; please keep that in mind. ∞



Dave Harp
ASMP president
and chairman of the board

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PLAN FOR RECESSION

Applying vision to your business BY RICHARD WEISGRAU

Business people often employ vision by forecasting future scenarios for their businesses. It is similar to dreaming about a photo essay or illustration and executing it, or rejecting it after the exercise. Forecasting is like fortune telling. It is a best guess based upon vision. Vision and fortune telling are related. Vision and fortune telling are intrinsically entwined. Today, it is time for each of you to exercise some vision by forecasting future scenarios to improve your fortune. Some thoughts and direction on this theme follow.

VISION

Successful business people and good photographers have one thing in common—vision. For the photographer, vision consists in the ability to interpret a scene, seeing how it will look when it is reduced to a two dimensional photograph, and seeing how a concept will look when it is translated into a scene and then a two dimensional image. For the business person, vision consists in seeing how a business will operate, grow, and deal with advancing its own goals and success. All vision comes from the same innate creativity. It is simply expressed in different terms and ways. Vision can be cultivated and improved. One thing for sure is that you, the photographer, have the vision to be both photographer and business person. You have to exercise it, and that will improve it and your fortune.

ECONOMY IS A LANDSCAPE

Here's a practical exercise for you. I am going to present you with a simple scenario, based upon a business reality. I'll give you some tips on how to work with the data as we go. The governing premise

is this. The economy is a cyclical landscape. It has peaks, valleys, and plateaus between the peaks and valleys. As you walk the landscape, you will travel up peaks, across plateaus, and down into valleys. The most dangerous spots are the peaks and the valleys. When you are on the peak you can fall, and when you enter the valley, you can go so deep that you can't get back out. In short, too much business can ruin you, and not enough business will ruin you.

You need a topographical economic map to be safe, but nobody makes one. You have to envision the landscape and plan for how to deal with traversing the valleys and the peaks. The peaks are simple to deal with by a simple rule. Never over extend your business. You can take on so much that you lose your quality of service, or creativity. That is a fall. The valleys are more complicated. How do you survive when you are in too deep and don't have a way to get through the valley?

That's the exercise we will address.

In 1992 and 1993 the country experienced a recessive economy. That is a valley. In 1994 the path led out of the valley, and back up to a plateau. That is a leveling out to a middle ground. Today, the economy is still growing. Growing is another term for reaching a peak. After any economy reaches a peak, it will turn down, and eventually reach the plateau again. The danger lies in the fact that the valley comes after the plateau. You have to get ready to deal with the valley while you are on the peak and plateau. You do that by establishing what I call recession insurance. No you can't buy it; it is self insurance.

When will the next recession come? Well, if anyone knew exactly when that would be, they wouldn't need to think about the problem. They would have the information needed to make them a billionaire

overnight. But, we mere mortals have to do some fortune telling, or perhaps the better word is fortune guessing. Historically, in the time I have been in the business (since 1963) we see severe recessions happening in the first years of each decade. Often there are minor recessions in between, but the ones which are more likely to be fatal have been within the first five years of a decade. Guess what? The years 2000 to 2005 are upon us. Of course, no one can accurately predict the timing, but history is a good guide when vision is blurred.

**"In short,
too much
business can
ruin you,
and not
enough
business will
ruin you."**

BUSINESS AND RECESSION

Now for the exercise. Let's assume that you will be faced with a 12-month recessionary phase in the period from mid-2004 to mid-2005, and that you therefore had 36 months from July 2001 to June of 2004 to prepare for it. How should you proceed? First, make an assumption, based on a worst case scenario. Let's assume that your business will drop by 50 percent during the recession. Then let's assume that you will not be able to cut expenses at all during the recession.

While you might be tempted to do this, it often requires spending more money than warranted on promotion and sales to keep the reduced volume of business flowing during a recession. OK, the problem can be stated simply: if you need X dollars to run to run your business in the 36 months before the recession, and you won't be able to cut back during the recession, then you will need Y dollars to supplement your business during the 12 recessionary months.

Now if my college algebra course (in which I earned a D) taught me anything, it was that we can make an equation out of this information. Now remember, Y\$ is 50 percent of the annual amount needed to weather the 12-month recession. The formula is $Y = X / 3 \times .5$, which reflects that the needed supplement is equal to 50 percent of one year's dollar need in each of the preceding three years.

So, applying that formula to a business which is projected to gross \$85,000 and \$75,000, and \$65,000 in each of three consecutive years, we see that $X = \$225,000$. That means that the supplement needed for the recession will be $Y = \$225,000 / 3 \times .5$, which in turn reduces to $\$75,000 \times .5$, which equals \$37,000. You have 36 months to create a liquid reserve with a minimum of \$35,000. If you have a normal reserve of \$10,000, you will need to raise, save, or borrow \$25,000 more to make it through the recession in good business health. That in turn is 11.1 per-

cent of the \$225,000 three year total. This means making plans to take 11.1 percent of all revenues for increasing reserves, or building your borrowing power to 11.1 percent of revenues, or cutting back 11.1 percent, or a combination of any or all of these elements.

Now for those of us who hate complex math, here's a simpler approach. Take the

average of three years revenue and divide it in half. That is how much you would need in reserves in the above scenario. You can save it, borrow it, or cut it from expenses, or combine these means. Whichever way you chose to do it, it is planning for the eventual recession that will help to assure that you will be in business when the recession is over. ∞

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NEW BOOK OUT SOON

Another chapter in publisher's ties with ASMP BY PETER SKINNER

This month, the *Sixth Edition of the ASMP Professional Business Practices in Photography* will be published by Allworth Press. We wanted to take the opportunity of its publication to interview Tad Crawford, the publisher of Allworth Press, a company which is at the forefront of publishing titles for the creative community.

Q. You have had a long association with ASMP. Would you describe it for us?

My first contact came in 1977 when, as a volunteer, I was the board chair of the Foundation for the Community of Artists, a group dedicated to helping artists in such ways as providing innovative contracts, health insurance, health hazards advice, and publishing the *Art Workers News* newsletter. I had become concerned about the compulsory license in the "new" copyright law that would allow public television stations to use art and photography without the permission of the artist. A statutory rate would be paid, which would be determined by the Copyright Royalty Tribunal. I called a meeting of the directors and presidents of many artists' groups, and we met at the ASMP offices. From this beginning, I later became the attorney responsible for handling legislative advocacy for ASMP and the Copyright Justice Coalition. Through 1986 I lobbied and testified on topics such as work for hire and moral rights before the United States Senate sub committee responsible for copyright legislation. A number of state bills that I drafted were, with the support of ASMP and the Coalition, enacted into law in states such as New York, California, and Oregon. Also, starting in 1982, I was one of the publishers of Annuals Publishing Company, which published the *ASMP Silver Book* for a number of years.

Q. How did you become involved in the struggle for artists' rights?

I had grown up in the artists' colony of Woodstock, New York, and my parents both enjoyed artistic pursuits. I was interested in writing and, while practicing law, started teaching writing courses at the School of Visual Arts. I quickly realized that the students would benefit from having practical business and legal advice become part of the curriculum. I created a course, *Law for the Visual Artist*, and wrote a book, *Legal Guide for the Visual Artist* to serve as the text. As I started to write more and meet more artists, I was invited to join the Board of the Foundation for the Community of Artists which soon led to being General Counsel

to the Graphic Artists Guild and legislative counsel to ASMP and the Copyright Justice Coalition. I think that legislative advocacy is an important aspect of artists' rights, but so is making information available. This educational process allows artists to know their own rights and take an active role in protecting their own interests.

Q. You began your career as an attorney. How did you become a publisher?

I had always been interested in writing both fiction and nonfiction—even before I went to law school. As a sequel to *Legal Guide for the Visual Artist*, I had written *The Writer's Legal Guide*, which gave me a good background in terms of the legal and business issues in publishing. In the 1970s I had created an imprint called Bel Esprit Press, which published a short story of mine and a novella by another author. So I was favorably predisposed toward publishing. When, really out of the friendships I had formed as a lobbyist for artists, the opportunity arose for me to co-publish the ASMP Silver Book and the annual show directories of a number of other organizations (such as the Society of Publication Designers, the Art Directors Club of New York, and the Art Directors Club of Los Angeles), I was happy to become a publisher. The demands of publishing led me to stop practicing law in 1986.

Q. How would you describe the goals of Allworth Press?

I founded Allworth Press in 1989 so I could publish books similar to those I had written. I wanted to convey information to professionals in all branches of the arts that would help them survive and prosper. This information might be about law (such as *Business and Legal Forms for Photographers* or *The Law [in Plain English] for Photographers*), marketing (such as *The Photographer's Guide to Marketing and Self-Promotion*), pricing (*Pricing Photography*), health hazards (*Overexposure: Health Hazards in Photography*), stock photography (*How to Shoot Stock Photos That Sell*), business (the forthcoming *Photography: Focus on Profit*), assisting (*The Photographer's Assistant*), and even technique books (such as *Travel Photography* and *Mastering Black-and-White Photography*).

Q. How would you describe the significance of ASMP *Professional Business Practices in Photography*?

From the point of view of Allworth Press, I felt it was a wonderful opportunity to fulfill our mission of making educational, use-

A GREAT DEAL ON BOOKS FOR YOU BENEFITS ASMP TOO

Members can get a great deal on all Allworth titles and benefit ASMP at the same time through the affiliates program between ASMP and Allworth Press. To take advantage of this, please check out the wide range of titles available at [www.asmp.org/information/publications/allworth.html].

ful business information available to photographers. From the point of view of the photographic profession, I think *ASMP Professional Practices in Photography* is a monumental achievement and certainly beyond compare. It is the kind of book that helps define and elevate professional standards for photographers and their clients. It informs not only the working professional photographer, but also students and others who might want to enter the field. And it offers guidance to clients on proper business practices.

Q. What is your commitment to publishing in the area of photography?

We have a strong commitment to publishing photography books. Our distribution is not only to book stores and book chains, but also to retailers selling photographic equipment. Our publication list now has approximately two dozen photography books, and we want to continue our efforts to publish books that will aid and advance photographers' careers.

Q. Would you agree that while photography has changed technically the basics of doing business, and staying in business, are essentially the same? In other words, much of the information and advice contained in earlier editions of books such as *ASMP Professional Practices* would still be valid, even though that information would have to be used in context with today's market.

I think there is a lot of truth in this. For example, I see the e-rights "land" grab as essentially the newest incarnation of work for hire. It's basically people who don't want to pay for what they'd like to own. An informed photographer, knowledgeable about his or her rights and willing to fight for them, is going to have a competitive advantage. That is the important information that ASMP offered in earlier editions as well as the Sixth Edition. The shape of the issue may change, but the underlying spirit needed by the photographer remains the same.

Q. Allworth Press has addressed the business and rights areas of photography and other arts. Do you envisage ever getting into the other fields such as technical, creative, or large format picture books?

We did venture into a large format picture book with *Historic Photographic Processes*, but I think that we are far more interested in informational books that can be illustrated in black and white. We have expanded from how-to business books to how-to photography books, but we have no plans for coffee table books at this time.

cont. on p. 10

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NEW BOOK OUT SOON *cont. from p. 9*

Q. Are you still looking for new titles and are there openings for new authors, say ASMP members who want to write for you?

We are always interested in finding new authors and would welcome hearing from ASMP members who have a manuscript or a book idea that might be suitable for us. Members can see our photography lists by going online at [www.allworth.com] or writing to request a free catalog (Allworth Press, 10 East 23rd Street, New York, NY 10010).

Q. Has the “digital revolution” affected the way you do, or will do, business? For example, do you see Allworth Press publishing electronic books or short-run books to fill specific niches as distinct from books in print?

We have put a limited number of our books into electronic formats and also placed a few of books with short-run printers. However, I think the e-publishing craze that swept publishers along a year ago has now more than crested. E-publishing expectations are much lower and those who invested a lot of money in e-publishing are, for the most part, crestfallen. In the production

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realm, however, the story is very different. We are now skipping several processes that publishers had to do as recently as a decade ago. We insist that manuscripts be digital and also require copy editors to work on the digital manuscript. The impact of all this is greater efficiency and significant cost savings.

Q. Over the last couple of years, the world went a bit mad with “dot.com mania” until the inevitable shake-out. As a publisher, did you get swept along with that or did you hold to your basic philosophy and stay the course? At what point does a business like yours have to make a technological plunge and how do you weigh the potential risks and rewards? Your experience in this area could benefit photographers.

About two years ago I noted with envy that another publisher had changed its name to include dot.com. I wondered if Allworth.com wouldn't be a better name than Allworth Press. Fortunately, I was saved by my inertia (or insight). We made modifications—building a good Web site, for example, and selling e-rights in books to other Web sites—but we never abandoned the idea of printing physical books that would reach customers in physical retail outlets. Our Web site has a shopping cart and an affiliates program, which have caused our online sales to increase substantially. I imagine that eventually we will be selling downloadable business forms—if not books—off our Web site. I think it is important to take the technological plunge, but make sure you're well-informed and wearing a life preserver.

Q. Do you see a long term future for the ASMP Professional Practices in its present form—almost 450 pages?—or can you envisage it being produced in subject-specific sections?

I like the idea of giving a lot of information for a reasonable price. The ASMP book could be chopped into smaller pieces and the smaller pieces would probably have a total retail price much higher than \$29.95. By its very generosity, I think the ASMP book offers hope to the photographer and represents what is finest about ASMP in its ongoing efforts to benefit the community of photographers.

Q. What projects are currently occupying you?

I've been doing radio and tv promotions for my newest book—*The Money Mentor: A Tale of Finding Financial Freedom*. It a personal finance guide written as a story so it will be more entertaining. And I'm working on our next season—finalizing the titles, assigned the covers. We'll be publishing 22 titles in six months—quite an increase from 1989 when the press published one title and 1990 when it published 10 titles. ∞

MAJOR LEGAL ACTION FUND DRAWING IN OCTOBER — BE IN IT!

This is the last chance to get your coupons in for the drawing of major prizes to benefit the ASMP Legal Action Fund. A contribution is not necessary to participate, but any amount will be put to good use as ASMP fights the good fight on the legal battlefield. And there are many battles being fought—and those we don't even know about yet are out there. Many—if not all—ASMP members appreciate the importance of the Society's legal advocacy efforts and the need for a financial war chest.

So please support the fund and be in the running to win some goodies. Following is a list of what's going to be included in the October drawing. The lucky recipients will be announced in the October *Bulletin*.

A Nikon F100 and zoom lens; a Dyna-Lite lighting package and an Epson Stylus Photo 890 printer; bricks of film from Fuji Professional and Kodak Professional; a copy of Art Wolfe's latest book *The Living Wild*, donated by Fuji Professional; two copies of fotoBiz (including fotoQuote 4.0 with assignment pricing) from Cradoc Corporation; a copy of *The Story of Dos Cabezas*, with photographs by Carol Wien; *Alaska's Sky Follies, The Funny Side of Flying in the North*, by Joe Rychetnik; three coupons for free Web site hosting (3 months to one year) from photofolio.com; a copy of *Ruth Bernhard, Between Art and Life*, by Margaretta Mitchell; *Voyages, The Romance of Cruising*, by Harvey Lloyd; *Isles of Eden*, by Harvey Lloyd; 10 copies of HindSight's Caption Writer software program. ∞

HOW TO SUPPORT THE LEGAL ACTION FUND

YES, I would like to contribute to the ASMP Legal Action Fund and help my Society's legal advocacy efforts. Please find enclosed my contribution of \$_____

Name: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

To phone in a credit card contribution, please call: 1-215-451-ASMP ext 1200. Please mail your check or money order to:

ASMP • Legal Action Fund,
150 N. Second Street
Philadelphia, PA 19106.

Thank you for your support.

9/01

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SOMETHING FISHY HERE

Baltimore chapter lands Fish Eye BY PETER SKINNER with Judy Herrmann

Few anglers would have the patience and inventiveness to land the big one as did members of the Baltimore chapter of ASMP. And in this case, it was a matter of “catching” a fish out of water. In fact, landing this fish had nothing to do with royal coachmen, black leeches, damsel flies, emergers or any other fly or lure that one would normally expect a dedicated angler to tempt a piscatorial target with. It had more to do with imagination, technical expertise and corporate support combined with enthusiasm and dedication by members of the Baltimore chapter. As a team, they all supported a local community project which will ultimately benefit young artists.

The *Fish Out of Water* project, loosely based upon similar public art exhibits such as Chicago’s *Cows on Parade*, features 6 ft. by 3 ft. fiberglass fish which were sponsored by corporations, decorated by artists, placed on display around the city for several months and then will be auctioned off at the Legg Mason *Big Catch Dinner and Auction*, at the Walters Art

Museum on November 17. Proceeds from the auction will benefit several City youth art initiatives.

The idea of doing an ASMP Baltimore fish originated with ASMP Baltimore chapter treasurer, Harold McCray who had previously been one of the moving forces behind two other group art projects with ASMP Baltimore; *A River from*

Twilight to Dawn, the Jones Falls Photographed which featured images of the Jones Falls River, most of which were created on the same day, and *Into the Gallery*, an exhibit of ASMP Baltimore members’ personal work which enticed over 500 people to attend its opening.

When Harold suggested the idea to chapter president, Judy Herrmann, she immediately thought of using Pictorico’s PolySilk Ink Jet Media as the vehicle for getting the photographs onto the fish. She had worked with PolySilk before, covering shoes (which were featured in *American Photo*) as well as a few other items, and knew that PolySilk would work perfectly for this type of project. “Pictorico, the makers of PolySilk, were so pleased with the idea they agreed to donate the necessary materials to cover the fish,” said Herrmann.

With approval from the chapter board, Harold McCray submitted an application. The curatorial committee, however, wanted to see what the fish would look like. So, Judy completed a 5-inch long three dimensional model fish using the PolySilk to show the committee.

To receive sponsorship, the ASMP proposal had to compete with over 500 other applications, passing through a rigorous curatorial process only to face the winnowing of qualified entrants as sponsors selected the 160 designs they found most appealing. ASMP Baltimore’s sponsor, the Downtown Partnership, selected the design partly because of its collabora-

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tive nature. "It was a very intriguing and attractive design," said Richard Cross, a representative of the Partnership. And, because it incorporated the work of so many artists, it was also the only fish that capsulated the combined creativity and spirit of downtown Baltimore."

ASMP Baltimore members Harold McCray and Ike and Erika Levine managed to generate tremendous local sponsorship for the fish with the result that nearly all the necessary materials and processes were donated or deeply discounted. Participating photographers received free film from Fuji and Kodak; Timothy

Mering, an attorney and member of the Downtown Partnership donated an empty storefront to house the fish as it was worked on; both Abbey Camera, a professional photography supplies store with several area locations and Chesapeake Systems, a Web development company donated money to pay for ink; and Photo Works, a photography resource center, offered participants a discount on scanning services.

To create the fish, 28 members of ASMP Baltimore each contributed a minimum of two digital files featuring their interpretation of the phrase *Baltimore Scenes*. Graphic designer Chris Quinn, of



Standing from left: Chris Scroggins, Edwin Remsberg, Maili Godwin, Harold McCray, Mark Molesky (head), Judy Herrmann, Benita Elliott, and Seth Scharon. Seated from left: Alan Gilbert, Jeffrey Kliman, Denée Barr and Rachel Scharon.

© Herrmann + Starke, 2001

Insight180 Design in Ellicott City, Maryland, donated nearly 12 hours of her time over two days, arranging the images into a visually pleasing arrangement so that the pattern created on the fish would work effectively from a distance as well as close up. Once her layout was converted back into TIFF format, Judy Herrmann spent an additional 12 hours, working in Photoshop, spacing the images into a precise one-inch black grid and adding type that would identify the artist who created each photograph.

Alan Gilbert, a member of ASMP Baltimore and owner of Baltimore's Digital Options Center, printed four Polysilk panels on rolls of PolySilk measuring 24 inches wide by 81 inches long using an Epson 7500 wide format ink jet printer. Each panel took approximately

four hours to print. Finally, and up against a tight deadline, Judy Herrmann, Maili Godwin and Harold McCray had just two days to cover the fish with PolySilk.

Using Heat-n-Bond, heat activated adhesive to attach the PolySilk to the fish, they custom fitted the fabric onto the fish, stretching it around gills, eyes and fins. Then, they coated the PolySilk with Modge Podge, a clear drying, water based decoupage coating after which several ASMP members took turns applying 12 layers of Rustoleum clear coat spray over the course of the following four days, completing the fish, named *Fish Eye* by ASMP members, just in time for the June 15 deadline.

Fish Eye is currently on display in front of 120 E. Baltimore Street in Baltimore.

Well done, ASMP Baltimore! ∞

UPDATING YOUR PORTFOLIO

Shooting new images need not be costly BY ELYSE WEISSBERG

Among the meetings that I enjoy most are those when I get to see new images that my photographers have created specifically for their portfolios. The fact that they have shot for themselves, as distinct from assignment work, usually means that the images truly reflect their style, look, and passion. Recently I had such a meeting with photographer Jack Reznicki who had asked me to look at new material he had just shot for his portfolio. Not only were the images great, with many to choose from, but his efforts were productive for several other reasons. Principally, from my point of view, was having new images for our ad in future source-books, especially with the deadline for artwork looming over us. It's comforting to know we are covered, and without question the time and money devoted to this project were well spent.

I know that shooting new images for a portfolio can be costly. Film is expensive and so are props. If you shoot people/fashion, models, hair and make-up add to the cost. These expenses are disconcerting but don't let them be an obstacle as you can trim costs by using your imagination and a little creativity.

When you need to shoot for your portfolio but don't have the money, stop and take an inventory. What resources do you have at your disposal? Can you barter or call in a favor?

A few years ago I consulted with a children's photographer from upstate New York. He needed to create new images on a "shoe string" budget. So we made a list of what he had access to, which included his three kids and a house. The kids were his models; his kitchen became our set. He used what he owned for props and wardrobe. The family's kitchen was lit for early morning sunlight and we set up to shoot the children eating breakfast with his wife in the background washing dishes

throughout the shoot. As his children were used to seeing their dad with a camera, they totally ignored him with the result that their gestures were natural in almost every shot. Because the lighting was set up in advance, it was a totally controlled situation. The result: the images looked great and the whole project was a success. The main expense was film and processing.

Another photographer with whom I worked, a travel specialist, needed to shoot new images but didn't have the money to make an overseas trip. So, I suggested that she take her camera to Chinatown in New York City. We created a shot list based around an assignment to give me a visual story about the people who lived in Chinatown and to include a selection of environmental still lifes. Wisely, she waited for good light and was judicious in shot selection, using only three rolls of film. We edited the shoot to nine images which were given to a student designer who created a multiple-image spread for the photographer's portfolio. That design was also suitable for a promo card. Again, this was a very successful test and the photographer's main expense was the cost of the film.

Photographers, by nature, are inventive people and in general are good problem solvers. So I am sure that you will find creative ways to solve some of the financial burdens of shooting tests.

Finding the time to shoot is up to you. My suggestion is to schedule it into your work week as you would an assignment. Denise Chastain, the other photographer I represent, does that. She plans test shoot days, whether on a weekend or during the week. For her, it's a shoot day and I think this helps with her commitment to shooting. The proof is that she shoots tests often enough to keep the portfolio fresh.

Ultimately, it is up to you. Find, or make, the time to shoot. If you don't have a rep to pressure you, please allow me to be that voice. "You need to shoot new film for your portfolio." Do it soon and then do it again. Make it a habit. You have nothing to lose, and you will gain a better-looking portfolio. ∞

Editor's note: As reported in the July/August Bulletin, Elyse Weissberg died on July 21. This article, her last in a long-running series over several years, was scheduled for the July/August Bulletin.

"You need to shoot new film for your portfolio. Do it soon and then do it again. Make it a habit. You have nothing to lose, and you will gain a better-looking portfolio."

REGISTER YOUR IMAGES!

Lesson learned from Morris v. Business Concepts BY VICTOR S. PERLMAN

Following on the heels of recent big wins for creators in the Tasini and Jerry Greenberg cases, our side has been handed a defeat in the case of Lois Morris v. Business Concepts, Inc. et al. On July 26, the U.S. Court of Appeals for the Second Circuit ruled against author Lois Morris and affirmed the earlier decision of the U.S. District Court for the Southern District of New York dismissing Ms. Morris' suit for copyright infringement.

Briefly, Lois Morris wrote and owned the copyrights to articles that were published in *Allure* under license agreements from her. She did not register the copyrights to her articles. Condé Nast did register the copyrights to the issues of *Allure* in which those articles were published, as collective works.

There is no question that the defendant, Business Concepts, Inc., blatantly copied those articles and published them without permission. The issue was whether the registrations of the magazines by their publisher also served as registrations of the individual articles in the magazines.

As members know, you have to register the copyright to a work before you can file an action for infringement; and if you want to be eligible for statutory damages and to ask the court for an award of attorneys' fees, you have to register before the infringement (or after the infringement if you register within 3 months after the date of first publication).

The Second Circuit has now made it clear that you cannot rely on publishers' registrations of collective works in which your images are published to protect your images—you have to register them yourselves and you have to register them early if you want to be able to take maximum advantage of your copyrights.

ASMP and its attorneys wrote and filed an amicus curiae brief in which about 14 other organizations joined in this case. We are currently in discussions with Ms. Morris' attorneys and are considering further actions.

ASMP members should take this decision as a firm reminder that, if you want full copyright protection, you have to register your images—and register them promptly after creation.

ADVICE: COLLECT AND PAY CALIFORNIA SALES TAX

ASMP has received important information concerning California sales tax from one of the Society's Legal Network attorneys. Members will recall that a recent California Supreme Court decision in the case of Preston v. Board of Equalization (BOE) said essentially that licenses to use illustrations were not transfers of tangibles and were, therefore, not subject to California state sales tax. ASMP has now learned that some people within the BOE are taking the position that this decision applies only to illustrations and not to photography.

Hearings were held in August before the BOE, and ASMP retained Christine Valada to represent photographers at these hearings on behalf of ASMP working jointly with APA. Ms. Valada is one of our Legal Network attorneys and has recently been appointed as general counsel to the APA. For several years, ASMP has been working closely with the Graphics Artists Guild and other organizations in connection with California sales tax issues, including attempts to amend the sales tax law, and we expect to continue to do so.

California photographers and those doing business in California should periodically check the members-only forum for up-dates.

In the meantime, however, ASMP's advice continues to be to collect and pay California sales tax as if the Preston decision had not been handed down. ∞

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NewsLines

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

SUCCESS MAGAZINE UPDATE: PAYMENT SCHEDULE PLANNED

If you are owed money by *SUCCESS* magazine, hang tight. ASMP has been told that the publication has been purchased by The Nobility Group in Brentwood, Tenn. The company's CFO, Jack Farmer and controller Darlene Ervin are in the process of verifying all outstanding invoices and are going forward with a payment schedule. If you have an invoice with *SUCCESS*, someone from The Nobility Group should contact you, either by phone or mail, in approximately six to eight weeks; that is about September 25-30. A spokesperson asked that members please do not contact the Nobility Group before that date and also do not contact the Raleigh, North Carolina, office about accounting issues (as all files are now with Nobility).

RF IS NOT SMALL CHANGE

If you think that royalty-free images are just nickel and diming away at traditional stock, consider Boston photographer Jim Flynn's recent experience. In his own words:

"My business felt the sting of royalty free just last week. I was contacted by an agency here in Boston about doing four ads for a semi-non-profit organization. I quoted them a price, based on usage as well as their non-profit status, of just under \$24,000 for everything including expenses. I actually was going to charge less but my rep talked me into asking for a lot more. We sent the estimate and followed up with a phone call.

"The art buyer told my rep that the estimate looked great considering that they had looked into stock for this and they were quoted a price over \$25,000. So they

were happy because they could present a tailored series of images to their client that was actually cheaper than images from the stock agency.

"I thought it was a done deal and so did they.....until. At the presentation the client told them they did not want to pay for any photography and that the agency should find some clip art photography for their campaign. The way I see it not only did I lose but the stock agency lost as well. They lost a potential \$25,000 sale in exchange for a \$100 disc. This royalty free crap is going to kill us all. I doubt that you will ever convince every photographer of this concept. The only way I see it ending is when the likes of Getty and Corbis realize that they are cheating themselves out of sales. If the distribution pipe is shut off then maybe we would have a chance. The likelihood of this happening any time soon is doubtful.

"One way to help reverse this is to convince the agencies that they too are losing money. If they don't have our invoices to mark up and pass on to their clients then they will be losing a profit center as well. Some of my clients are beginning to realize this but it's going to take a long time to undo the mess that's been created. We are our own worst enemies. I'm proud to say I have no royalty free images," said Flynn.

(Jim Flynn is a Boston-based advertising photographer whose stock is represented by The Stock Market and will also be represented by the cooperative, Creative Eye.)

A GLOBE IS COPYRIGHTED

If you're thinking about photographing a world globe for stock, be aware that it is copyrighted and permission (i.e. a release) should be sought from the manufacturer. This query was

raised on the members-only forum by a member who shot an annual report. The client's agency brought in a plexiglass globe made by Spherical Concepts and payment was made by the client for this particular use. Could an outtake from the shoot be used for stock? Not without a license from the copyright owner, responded ASMP executive Richard Weisgrau.

"The globe is protected by copyright. If it appears in your photos, and you actually put it into the photo as a prop, and it is an important part of the composition, I advise you to get a license from the copyright owner. If it is hardly visible, or not identifiable, you might get away without the release. Why gamble?" said Weisgrau.

TIME INC. BIDS TO EXPAND OVERSEAS

The *Wall Street Journal* reports that Time Inc. has agreed to acquire IPC Group Ltd., one of UK's major publishers of consumer magazines, for \$1.64 billion. The acquisition is reported to be Time Inc.'s largest ever in its overseas expansion efforts. IPC owns more than 100 titles. Time Inc., is a unit of AOL Time Warner Inc. Both have said they need to expand overseas to maintain growth.

THE WHOLE WORLD'S WATCHING

A 160-page book with text by noted writers and activists such as Leon Litwack, Judy Graham, Ruth Rosen and Peter Coyote accompanies a gripping exhibition, *The Whole World's Watching*, which runs from September 16 - December 16 (Wed. - Sunday, noon to 5p.m.) at the Berkeley Art Center, Live Oak Park, Calif. The extraordinary

exhibition examines the rich history of the social movements of the 1960s and 1970s through documentary photography. With a focus on Northern California where many of these activities were born, the photographers illuminate the rise of the Black Panthers, the free-speech and anti-war movements, feminism, disability rights, environmental activism, gay rights and the cultural milieu which formed and informed them. The exhibition features 100 images taken by noted photographers including Jeffrey Blankfort, Nacio Jan Brown, Cathy Cade, Bob Fitch, Robert Hsiang, Ken Light, Richard Misrach, Ronald J. Riesterer, Stephen Shames, Ted Streshinsky, Michelle Vignes, Douglas Wachter and many others. The exhibit has been funded by the California Council for the Humanities and the National Endowment for the Arts and will travel throughout 2002 and 2003. The book of the same title contains 50 duotone images: ISBN: 0-942744-09-8 (paper), \$24.95; ISBN: 0-942744-10-1 (hard cover), \$59.95. [www.berkeleyartcenter.org].

LONELY PLANET IMAGES FORMED WITH 20-20 MERGER

Lonely Planet Publications, a leading publisher of information for independent travelers founded 28 years ago, has joined forces with California-based stock agency Photo 20-20 to create Lonely Planet Images, an international collection of travel and lifestyle photography. Photo 20-20 is the agency founded in 1989 by ASMP member Ted Streshinsky who has joined Lonely Planet to serve as manager of the combined US operations, based in Oakland, Calif. Information: Ph: 510-547-2020.

Updating membership information

Members wishing to update information via e-mail should do so by sending the relevant details to update@asmp.org and not to Webmaster@asmp.org. Using the correct address ensures the information goes direct to the appropriate department at ASMP and speeds up the process of getting the new details into the database. All membership information on the Web site is dependent on the national database and updates are reflected when the database is transferred to the Web site, at about the first and fifteenth of each month.

Members are also reminded that they may list up to three major metro/region listings to enable buyers to locate them using that criteria in *Find a Photographer* on the ASMP Web site. For example, if your permanent address is in a suburb of Chicago, you are advised to list Chicago as a major metro area. Send the information to [update@asmp.org].

Photo Buyer Survey 2001

PhotoSource International has produced its *International 2001 Photobuyer Survey* which details what buyers' opinions in areas such as digital submissions, want lists, unsolicited submissions, royalty free, and other pertinent topics. To order go to: [[/www.photosource.com/101/survey.html](http://www.photosource.com/101/survey.html)].

Census could benefit stock shooters

Stock photographers who want to stay ahead of the pack might be interested in findings from the Census Bureau's small census survey which has resulted in what *The Wall Street Journal* refers to as a "Polaroid version of the census." The survey has revealed new information about the nation in advance of the 2000 long-form numbers. "It reveals a richer, better-educated populace than was counted in 1990, as well as a fast-growing immigrant population that speaks English at home less frequently." And California leads the nation in residents who speak a language other than English at home. The clue to stock shooting? ethnic diversity.

The economy: good news, bad news

Want the bad news first? The national economy is deteriorating. Now for the good news: that deterioration has slowed. However, according to a report in *The Wall Street Journal*, that still leaves the country perilously close to recession and the much-anticipated second-half recovery still in doubt. One positive trend is that consumer spending continues to grow, albeit at a sluggish pace.

What's Hot

New directors elected

Susan Carr, an architectural and fine art photographer from Kalamazoo, Mich., and Lon Atkinson, an advertising and catalog photographer from San Diego, Calif., have been elected to the national board of ASMP. Carr's term will run until spring of 2004, replacing the seat of John Greim and Atkinson will serve until spring of 2002, replacing the seat of Tom Guidera.

Lon Atkinson has been actively involved in the San Diego chapter since joining ASMP in 1989. He has held just about every office there, including president for three years. He was also chair of the 1998 Biennial conference and chair of the 2001 Bradshaw Leadership Conference.

Susan Carr, an ASMP member since 1995 has been a Michigan chapter board member for six years, vice president for two years and is currently serving her second year as president.

ASMP Web site commended by *Picture* magazine

ASMP's Web site, [www.asmp.org], has been commended as "the most valuable all-round Web site on this list (of other trade association sites)" in the July/August 2001 issue of *Picture*—a magazine for the emerging professional photographer—[picturemagazine.com].

Of asmp.org, the magazine says: This frequently updated and well organized Web site has considerable value to the professional photographer. Among the priceless bits of information are data services such as *Bulletins* published by this group, text about copyright laws and news (such as very recent changes in Major League Baseball's policies regarding the photographing of regular season games) as well as useful networking information such as an ASMP database. There are also extensive and encyclopedic details and information concerning the organization including lists of board of director members (including e-mail addresses), membership information including benefits and levels of membership.

However, the copyright information distinguishes this site and should be a constant aid to untangling the thorniest issues of legality regarding the complexities of this ever-changing aspect of law. Beyond this, the sheer amount of content (as well as the variety of information) makes this the most valuable all-around Web site on this list.

Our Cover

Bill Bowers has well and truly embraced the digital darkroom. In fact, he admits that he has been consumed by it even though initial capture of his images are on film. But from that point on "it's all scanners and computers." The original image of the Golden Gate Bridge was shot for stock, with a Nikon N90s, 80-200 Nikon Lens, on Fujichrome Velvia. Bowers said the day "was typical for San Francisco at the Golden Gate Bridge with extreme fog, wind gusting about 30 mph, and the light was affected by the boiling fog and changed constantly." He later scanned the image and converted it into this black and white image which has been featured in the Creative Eye cooperative gallery.

Bowers, who is based in Aspen, Colo., said he and his partner Carol Gault are on their third film scanner, a Nikon 4000. Currently, their digital darkroom consists of Apple Power Macs, 8500 and 9500, a Nikon 4000 film scanner, Epson 800 flat bed scanner with transparency adapter, Epson printers 7500, 3000, and 740 and, of course, Adobe Photoshop.

Bowers said he is moving all his stock imagery to Creative Eye and is developing a new Web site [Outlawimages.com] that will be linked to [Mira.com].

"Being a relatively new ASMP member (he joined in 1999) and a business trends information junkie, the two major ASMP directions that stand out in my mind are the development of the co-op Creative Eye and the Legal Action Fund, both of which I support 100 percent," he said. ∞

Classifieds

NOVASTOCK PHOTO AGENCY

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

ANDREW BERGER

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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.

AUSTIN/SAN ANTONIO

SUGERMAN, DEBRA GM
C. FORD T. MAURER

ATLANTA/SOUTHEAST

PERDEW, DAVID R. GM
K. HAWKINS J. SLEMP

BALTIMORE

DEPUTY, AMY AF
D. HARP R. ANDERSON

CAPITAL REGION

WESTCOTT, JIM AF
P. HUGHES P. KROGH

CENTRAL FLORIDA

RUMPF, DANIEL RESTUD
UNIVERSITY OF SOUTH FLORIDA
SOSA, OSCAR GM
P. FIGURA K. LADUKE

CHICAGO/MIDWEST

NEWBERRY, JIM GM
B. WARLING S. GROSS
SPARACO, ANDREW GM
F. MCMAHON R. WEHMEIER

COLORADO

DOHRMANN, GAIL V. PS
T. DEL AMO T. SUSTERSIC
DOHRMANN, RUSSELL C. GM
T. DEL AMO A. CARR
PIZZUTO, MICHAEL GM
T. DEL AMO T. SUSTERSIC
RENDA, CHRIS AF
B. SCHNEIDER J. BLECHA
STOCKLAND, ADAM AF
J. AFFLECK B. BAILEY
UNDERRINER, JANELLE GM
J. SILVERMAN J. HALLMARK
WILLS, JIM AS
T. DEL AMO T. SUSTERSIC
YORK, DUSTIN STUD
RHODE IS. SCHOOL OF DESIGN

CONNECTICUT

ALUISA, DENNIS AF
J. MCCONNELL P. BILLARD

SHAFFER, JEFF REGM
L. NAGLER T. ATKINSON

FOREIGN

AMMANN, KARL INT
K. REILLY I. RICHARDSON

LOS ANGELES

BIERSTERFELD, CURT AF
B. FRANKEL R. BARNES
GOODMAN, PETTY AF
R. BARNES B. FRANKEL
JONES, SAM GM
B. FRANKEL R. BARNES

THATCHER, CHARLES REGM

MEMBERSHIP COMMITTEE

MID-AMERICA

SCHROCK, ANDY AF
D. MORRIS C. STERNBERGH-
DAVIS

MINNEAPOLIS/ST. PAUL

KEMPER, SCOTT AS
B. KLUCKHOHN L. KEMPER

NEW ENGLAND

VIOLETTE, ANNE AS
M. STAPLETON K. BRUSIE

NEW JERSEY

AXELROD, TED GM
R. RUSSO B. BLANCHARD

MIRALDI, GERRY AS
I. RICHARDSON K. REILLY

PARDEE, DAVE GM
B. BLANCHARD L. FISHER

NEW YORK

BECKMAN, JANETTE GM
B. KATZ T. WERNER
BROWDER, BRAD C. AF
L. GREENFIELD I. RICHARDSON
CHERCHI, MASSIMILIANO AS
T. WERNER B. KATZ
FOIS, LAOS STUD
FASHION INSTITUTE OF TECH.
MILLER, BILL REGM
M. BARCELLONA K. REILLY

NORTH CAROLINA

BOYKIN, KATE GM
B. RIVES C. REGISTER
CANOY JR., K. WORTH AS
J. MIXON B. KUND
JIRLDS, CATHRYN GM
G. PLACHTA C. REGISTER

OHIO VALLEY

GENTRY JR., JOHN R. GM
M. CARTER D. FRANCIS
KAUCK, JEFF REGM
C. CONE D. WENDT
MARTIN, CHAS (SKIP) AF
C. CONE D. WENDT
MEYER JR., DANNY AS
D. DRY J. BECKMAN
NIXON, JOHN STUD
COLUMBUS STATE COMM. COLL.

STUTLER, MICHAEL W. STUD
ANTONELLI COLLEGE

PHILADELPHIA

FOGEL, HARRIS AF
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TRUCH, RONT. AF
M. PILLA I. RICHARDSON

SOUTH CAROLINA

EVERETT, RALPH AS
R. RHODES P. EDWARDS
TAYLOR, DONALD W. GM
R. RHODES P. EDWARDS

SOUTH FLORIDA

COMBS, KATHERINE P.N. STUD
ART INST. OF FT. LAUDERDALE
HERNANDEZ, ISABEL AS
W. SUMNER M. ELIAS
LORUSSO, CAROLINA STUD
ART INST. OF FT. LAUDERDALE
REID, KEN GM
R. RATHE D. LURIA

SEATTLE/NORTHWEST

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R. PISANO D. BUSHER
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PHOTOGRAPHIC CENTER NW
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LEWIS, LINCOLN R. AF
S. MOSSBERG D. BUSHER
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FRANKLIN, KIRSTEN STUD
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HUBER, JEAN E. AF
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ROSHAN, JIM GM
P. MURPHY-RACEY J. BROWN JR.
SMALL, CHARLES REGM
J. BROWN JR. T. JIMISON
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GILLMAN, WAYNE AS
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