



AMERICAN SOCIETY OF
MEDIA PHOTOGRAPHERS

DEFINING IMAGES
ASMP MEMBERS' WEIGH IN ON THEIR NOTABLE PICTURES

THE POWER OF VALUATION
HELPFUL ADVICE FOR ASSESSING YOUR ARCHIVE

TO RIP OR NOT TO RIP?
THAT IS THE QUESTION



PLUS:

ASMP Members Trek to Tibet

The Right of Publicity Explained

Powerful Promotional Strategies
for Photography Books

FALL 2005

ASMP BULLETIN

PRSRT STD
U.S. POSTAGE
PAID
EASTON, PA
PERMIT NO. 321



© 2005 Nikon Inc. Each item pictured sold separately. No animals were harmed during production.

Does anything, anywhere strike fear in the heart of the Nikon pro?

There are no intimidating assignments when, like Nikon® Pro Joel Sartore, you rely on the Nikon D2X.™ It's the breakthrough digital SLR Sartore refers to as "the finest camera I've worked with." Combining 12.4-megapixel resolution with 5fps capability, the D2X is the core of Nikon's Pro Digital System, which also includes 50 legendary Nikkor® AF lenses and Nikon's state-of-the-art Speedlights. Asked how he pulled off this seemingly impossible shot, Sartore explained, "There was no light other than ambient, so the ISO was set high to stop the action. With this camera, I can work in nearly any light." Add leading-edge color reproduction and wireless capabilities and the Nikon D2X tears the competition apart. For more wild details, visit nikondigital.com.



The breakthrough Nikon D2X, at the heart of the Nikon Pro Digital System.



At the heart of the image.™



ASMP CONTENTS

[FALL 2005]

2 PRESIDENT'S LETTER

Susan Carr outlines ASMP's current advocacy initiatives

6 DIRECTOR'S COMMENTARY

Eugene Mopsik unveils FindaPhotograph.org, ASMP's newest online offer for members

7 ASMP AT PHOTOPLUS EXPO

Find the full details on meetings, events and seminars

8 NEWSLINE

New Orleans photographer David Rae Morris shares his images and talks about going back home; Brendan Bannon's ASMP Foundation Grant; the Wayne Miller Archive goes to the CCP; ASMP Bulletin receives *Graphic Design USA* award

12 OUTSTANDING VOLUNTEERS

Steve Niedorf in Minneapolis/St. Paul; Chip Mitchell in Central Virginia

14 BETTER BUSINESS

Image collection valuation is a tricky task, but one that's well worth the effort

16 LEGAL REVIEW

What is the right of publicity and how does it affect you?

17 BOOK LOOK

Harri Kallio's documents the dodo, Lou Manna's recipe for award-winning food photography

18 THE TOOLBOX

Could the answer to your printing problems be contained in a RIP?

20 MARKETING MATTERS

Promotional strategies for publishing a photography book

24 FEATURE STORY

Defining Images— Know how to (re)act in the event of a goldrush

28 PORTFOLIO

ASMP members' excellent adventure in China and Tibet

33 PARTING SHOT

Morris Engel's legacy spans the printed page to the silver screen

ON OUR COVER: © Daniel Cox. This stunning image of Tibetan prayer flags and a brightly colored roofline is one of many photographic treasures captured by six ASMP members on a two-week trip to Tibet. For more of this work, flip to our Portfolio section on page 28.

THIS PAGE: © David Rae Morris. Pictured above, three plywood crosses are a sign of hope amid the rubble in Bay St. Louis, Mississippi. New Orleans photographer David Rae Morris spoke to Jill Waterman about covering Katrina's aftermath and going back home to New Orleans. See the details on page 10. For Morris' full text and to learn about other photographers affected by Katrina visit <www.asmp.org/news/spec2005/katrina.php>.



© Eugene Mopsik

The ASMP Executive Board posed in front of the national office in Philadelphia during a meeting break in July 2005. From left to right: Bruce Kluckhohn, Secretary; Clem Spalding, first Vice President; Susan Carr, President; Jim Flynn, Treasurer; and Judy Herrmann, second Vice President. Photograph by Eugene Mopsik, Executive Director.

PRESIDENT'S LETTER

DOES ASMP STILL HAVE TEETH?

I am often asked about the ASMP's advocacy work. ASMP has a long history of standing up for photographer's rights in legal battles, legislation and business issues. The work we do, to protect and promote the interests of photographers, is constant and meticulous. As the following rundown of our current projects suggests, the ASMP is still out there acting as your watchdog.

Legal Action Fund The ASMP's fund is available for selected cases that will have broad impact for photographers. The most recent example is our support of the photographers in *Faulkner et al. v. National Geographic*. The ASMP funded an amicus curiae brief for the appeal and, as is the ASMP's practice, invited other trade associations to sign on. The photographers filed suit against National Geographic for copyright infringement in connection with its CD-ROM compilation of 100 years' of published work. The photographers unfortunately lost in the U.S. District Court, and the U.S. Court of Appeals for the Second Circuit later upheld this decision. A request for the U.S. Supreme Court to hear the case is currently pending; and if the Court will hear the appeal, the ASMP will most likely provide support to the photographers.

As we go to press, the ASMP has agreed to file and fund an amicus curiae brief for member Chase Jarvis in his appeal in the case of *Jarvis v. K2*. The case piqued the ASMP's interest when the judge ruled that a collage using copyrighted photographs could be considered a "collective work" and applied the rulings in the *Tasini* and *Faulkner* cases to hold that no permission or additional compensation was needed. In addition, if this trial decision is left standing, a client could claim that a license for print advertising can be extended to include Web site advertising with no additional fee.

The Copyright Office The ASMP, particularly our legal counsel, Victor Perlman, continues to have an excellent relationship with the U.S. Copyright Office. The Copyright Office often relies on the ASMP as a resource for issues relating to photography and keeps us informed about its progress toward electronic registration

Most recently, the Copyright Office sent a notice of inquiry concerning "orphan works." They are works whose copyright status is unknown or whose copyright owner cannot be identified or contacted. The ASMP submitted a position paper and participated in a roundtable discussion on the issue. The ASMP's position

staunchly defends the integrity of copyright, but proposes solutions to the legitimate issues posed by orphan works. This practical approach has been well received by the Copyright Office and many industry groups. The ASMP's comments and a transcript of the roundtable discussions can be found at <www.copyright.gov/orphan>.

Industry Advocacy Recognizing that equipment manufacturers currently have ultimate control over the long-term access photographers have to their digital RAW files, the ASMP published a statement articulating our concern about this pending crisis. Our public statement got the attention of the International Imaging Industry Association (I3A), Technology Forum and the ASMP has accepted its invitation to moderate a panel discussion on RAW file access at its upcoming conference. The ASMP's statement can be found at <www.asmp.org/news/spec2005/proprietaryRAW.php>.

Tougher contracts are hitting photographers on many fronts. The new contract initially proposed by the *New York Times* was one of the worst we have seen in years. ASMP worked with the *Times* freelancers on a face-to-face meeting with newspaper representatives. Ultimately, we were able to broker some contract improvements. For more information go to <www.asmp.org/news/spec2004/nytcontract.php>.

Most recently, the ASMP contacted Time Warner to protest the requirement in its new rider to its freelance photographer contract that converts all cover photographs to Works Made for Hire. We are waiting for a response to determine our course of action.

The custom stock business model promoted by On Request certainly got the ASMP's attention in the past year. Complete information about this can be found at <www.asmp.org/customstock>. Together with other photography associations, we have worked diligently to educate photographers and buyers about the negative impact custom stock will have on the entire industry. Our current focus is an analysis of On Request's new assignment photography offering. At this time, we do not know the terms given to photographers or how this model differs from the spec work approach of custom stock. Unfortunately, the contract with photographers has a non-disclosure clause, so even our members cannot share it with us.

Earlier this year, the ASMP became aware of a letter sent by a Getty employee to NHL team management, which encouraged the use of Getty photography services while demeaning and insulting freelance photographers. The ASMP immediately registered a direct

complaint to Getty and subsequently Gene Mopsik, ASMP Executive Director, received a phone call from Getty's CEO, Jonathan Klein. The outcome was a formal apology for the letter and a reprimand of the employee, but another positive result is that we now have a dialogue with this industry heavy hitter. Getty Images is the dominant force in stock photography and it is making daily inroads into both corporate and editorial assignment work. A constructive dialogue with Getty Images puts us in a stronger position to advocate for photographer's interests.

Victor Perlman worked with Adobe's legal counsel in developing the Photographers Directory. This project, developed initially for ASMP members, has become the standard used by Adobe as it adds other photographers to the directory. Our working relationship with Adobe is another example of cooperation leading to our strengthened voice in the industry.

Legislation The ASMP monitors and evaluates legislation to determine the impact on independent photographers. Issues related to copyright, health insurance, antitrust laws and charitable contributions of art have been common in recent years. For a complete rundown go to www.asmp.org/commerce/legal_success.php.

Good Offices One of our least visible yet most valuable ASMP member services is our good offices program. The national office receives and answers thousands of communications each year from members seeking help on business-related issues. We provide advice, make phone calls, send letters and even attend meetings on behalf of our members. The ASMP files are full of thank you letters from these individuals, selected quotes from which are shared below. These individual successes may seem small, but their collective impact for our membership and the industry is enormous.

- From member Karen Hirsch, who needed a contract reviewed.

"Victor Perlman returned it to me quickly with his comments, pointing out what needed to be clarified. It was reassuring to have the contract reviewed by an attorney, since I did not understand all of the legal phrasing."

- From member Chris Zarconi, who needed advice to explain copyright issues to a client.

"It is truly an understatement to say that Victor was very informative. He provided me both his thoughts about my scenario and leads for additional research. I was able to take what I learned from chatting with him and have a more intelligent meeting with my client."

- From member Mark Gilmore, regarding a property release question.

"I was most impressed with Victor's detailed, but crystal clear explanation of things we should consider, and things to watch out for, such as not indemnifying any of the various other parties involved. It was quite apparent by his detailed response that Victor had given careful consideration to my question. Equally, if not more impressive, was the immediate, 60-minute turnaround from the time of my initial post to the time of his reply. These kinds of questions always seem to come up when tomorrow would be way too late, and Victor's quick response was invaluable."

- From member Tina Freeman, who needed help resolving a problem with Mac/PC Mall.

"I am sure without Victor's interception I probably wouldn't have been able to return a defective powerbook without the credit card company getting involved. Victor contacted PC Mall twice and the second time was the charm. They took it back and I got a full refund. He even followed up with me to make sure everything that they said they would do was done."

- From member Paul Mullan, who received help drafting paperwork for a client.

"I was working on drawing up paperwork for the first time to present to a client. I was having some issues with wording and posted a message in the ASMP forum. About 2 hours later I received a phone call. 'Hello Paul, this is Victor Perlman from the ASMP.' He must've spent at least 20 minutes speaking to me about the legal issues involved in the paperwork and in general. That personal help from Victor also made me realize, after only a few months as a member, that I would forever keep my membership with the ASMP."

The ASMP is the only trade association for publication photographers that offers its members legal information directly from an attorney. For assistance with business or legal questions like these, ASMP members can contact Victor Perlman by e-mail at: perlman@asmp.org.

Susan Carr
President, ASMP



AMERICAN SOCIETY OF
MEDIA PHOTOGRAPHERS

CALL FOR NOMINATIONS

The nomination period for the national board of directors will be open from December 1, 2005, to December 31, 2005.

Any general member may declare his or her candidacy for the directorship. The election will be held from February 15, 2006, to March 15, 2006. Winners will begin their term at the next regular board meeting following their election (expected to be scheduled for April or May 2006). Five (5) directors will be selected for a three (3) year term.

A director's term is three (3) years. Each candidate must be willing to attend a minimum of two (2) board meetings per year, which usually involves a Friday, Saturday, and Sunday. Other duties are assigned by the board to individual directors.

If you wish to declare candidacy, please complete the following and fax or mail to:

ASMP National
150 North Second Street
Philadelphia, PA 19106
Fax: 215-451-0880

I declare my candidacy for a seat on the national board of directors. I am a general member of ASMP and understand that the commitments of a director of ASMP include having to attend a minimum of two (2) board meetings a year, as stated above.

NAME

SIGNATURE

DATE



AMERICAN SOCIETY OF
MEDIA PHOTOGRAPHERS

Volume 25,
Number 1 / Fall 2005

www.asmp.org

The American Society of Media Photographers, Inc.

President Susan Carr
First Vice President Clem Spalding
Second Vice President Judy Herrmann
Treasurer Jim Flynn
Secretary Bruce Kluckhohn

Board of Directors Richard Anderson, Lon Atkinson, Susan Carr, Ben Colman, Jim Flynn, John Giammatteo, Judy Herrmann, Bruce Kluckhohn, Peter Krogh, Dan Lamont, Mary Beth McAuley, Stanley Rowin, John Slem, Clem Spalding, Thomas Werner

Executive Director Eugene Mopsik
Managing Director and General Counsel Victor S. Perlman, Esq.

General Manager Elena Goertz
Technology Director Mike Zornek
Web Master Amy Genuardi

Communications Director Peter Dyson
Bookkeeper Chris Chandler
Copyright Counsel Charles D. Ossola

Advertising Representatives
East Coast Jules Wartell
jules.wartell@russellgrouppltd.com

West Coast Richard Wartell
rwartell@writeme.com

Produced by PDN Custom Media & Events

Publisher Jeffrey Roberts

Associate Publisher Lauren Wendle

Senior Editor Jill Waterman

Associate Editor Amy Blankstein

Art Director Heather Kern

Production Director Daniel Ryan

Contributors Andrew Berger, Susan Carr,

Monica Cipnic, Eugene Mopsik,

Andrew Rodney, Victor S. Perlman,

Ethan G. Salwen, Shannon Wilkinson

Copy Editor Lavina E. Lee

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 five times a 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 <www.asmp.org>. Member subscription is \$12 per year.

© 2005 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. Postmaster: please address changes to ASMP Bulletin, 150 North Second Street, Philadelphia, PA 19106.

Editorial contributions should be sent to: Jill Waterman, PDN, 770 Broadway, 7th Fl, New York, NY 10003-9595. Phone: (646) 654-5834, Fax: (646) 654-5813, e-mail: waterman@asmp.org. 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.

CALL FOR ENTRIES

World in Focus

PDN's TRAVEL & LANDSCAPE Photography Competition



CATEGORIES

1

WILDERNESS PHOTOGRAPHY

Natural landscapes, seascapes, wildlife, flora and fauna

2

THE HUMAN CONDITION

Portraits of people in their environment, celebrations, parades, ceremonies

3

EXTREME EXPLORATION

Images that explore remote territory and exotic locations, aerial photography, underwater photography

4

URBAN LANDSCAPES

Cityscapes, towns, villages

5

SNAP SHOTS

Fun, quirky, unpredictable, spontaneous moments

6

OPEN SERIES

(Up to six images) Describing the experience of a place in photo essay form

7

YOUNG EXPLORERS

(Student category)

ENTRY FEES:

\$35 Single or "Open Series" entry \$25 Students

FOR MORE INFORMATION:

WWW.PDNONLINE.COM/CONTESTS/

For additional questions, see FAQ online, or email: jgimenez@pdnonline.com

DEADLINE FOR ENTRIES:

NOVEMBER 1, 2005

PRIZES

The grand prize winner of each category will receive a Palm® LifeDrive mobile manager and camera adapter.

The grand prize winner of the "Extreme Exploration" category will receive a 3-nights stay at the Four Seasons Hotel at the Emerald Bay Resort in Exhuma, Bahamas.* All winners will be featured in the February issue of PDN and PDNOnline. *Restrictions apply.



SPONSORED BY



LOOK ONLINE FOR THE LATEST ADDITIONS OF PRIZES

PORTAL SHMORTAL—

WHAT TO DO!

Let's face it, the best deal you will ever get in licensing or selling an image will come from a direct sale—NOT from an agency or distributor. In the long run, to maximize the return on your collection, you must eventually engage in some form of direct commerce on the Web. Should you go with IPNstock, StockMedia, Digital Railroad or any number of other service providers? Or, do you set up your own database and try to go it alone? The ASMP has created a new member benefit to help photographers deal with this complicated and often confounding issue: the ASMP "Find a Photograph" portal.

Photographers must seek out new income sources and increased exposure in the effort to create a higher return on their images

This new benefit is not to be confused with a stock agency. The ASMP is acting as an aggregator of services and is not involved in the transactional aspects of this benefit. We have entered into an agreement with IPNstock, who is providing ASMP members with this service for a very affordable cost. Participants have the ability to place images on the portal for keyword search and licensing, effectively taking back control over the distribution of their work. This form of direct commerce offers ASMP members an alternative, supplement or a starting point for selling their images on the Web. ASMP envisions FindaPhotograph as an opportunity for photographers with specialized collections or other unique images to engage in direct license and/or print sales of their work.

There are two levels of service, here's how it works:

The **Basic** service allows a General member to place up to 50 images on the portal for a one-time fee of \$50. Images can be easily uploaded and changed by the photographer. Clients can search by member name or by keywords generated by the photographer with the help of IPN's keywording tool. When a client selects an image from the search results, the thumbnail will enlarge and the client will be directed to contact information for that photographer or to the photographer's own Web site to complete the transaction.

For photographers who lack the ability to manage online transactions themselves and for those seeking additional channels for distribution and licensing of their work, the **Select** service offers real advantages. For an annual fee of \$175 (plus 20 percent of gross licensing made through the network) the features include:

The same keyword and member search features as the Basic service.

Use of your own URL <www.yourname.com> for your individual collection.

Up to 200 images as part of your individual collection.

Use of the portal as either a portfolio site or for direct image licensing.

The tools to create a slideshow for your individual home page and the ability to send preview lightboxes for client review.

Use of the IPNstock licensing rate calculator with recommended rates.

Technical support for digital delivery of hi-res files, issuance of licenses for image use, plus processing and fulfillment of credit card payments.

Eighty percent of the licensing fees for image sales.

FindaPhotograph.org provides a powerful technology solution to bring your work to market, but you hold the reins to the selection of work that will stand out from the pack and best suit client needs. It will be up to the participants of the portal to put their best work forward, in line with market needs, and to promote their individual collections. Tell your clients and include your FindaPhotograph.org address in all communications and promotions!

The expansion of multiple business models in the current licensing environment proves there is no one path to success. Photographers must seek out new income sources and increased exposure in the effort to create a higher return on their images. The ASMP offers this benefit to our General members with the hope that it will lead to the creation of new opportunities in an ever-changing marketplace. Try the new portal and expand your potential income streams. See if it works for you.

Eugene Mopsik
Executive Director, ASMP

NEW LOCATION FOR ASMP AT PHOTOPLUS EXPO

Join ASMP board members and staff at PhotoPlus Expo in New York City, October 20, 21 and 22 at our new booth location (874), and browse the latest in business publications published by Allworth Press.

In addition to opportunities to meet with the ASMP's general counsel, Victor Perlman, Kat Dalager, Suzanne Sease, Elaine Totten Davis and Kathryn Hennessey will be on hand to provide free creative consultations. For schedule information and to sign up for sessions, call (215) 451-2767.

Visit the Chinese Photographer's Association (CPA) Gallery, displayed in cooperation with the ASMP. The exhibition highlights the freedom, creativity, and color that represent the cornerstones of current Chinese photography, and offers a glimpse of both the disappearing and "new" China.

Join us for the Annual Members' Meeting, which will be held Saturday morning at 10:00 AM at Studio 601, 601 West 26th Street, 16th Floor, Suite 1616. Doors open at 9:00 AM for refreshments generously provided by Adobe. ASMP president Susan Carr and executive director Eugene Mopsik will update members on ASMP programs and initiatives. Afterward, don't miss presentations by the extraordinary creative consultants Suzanne Sease and Kat Dalager and by the incomparable Julieanne Kost of Adobe.

Don't miss this great member opportunity!

Visit <www.asmp.org/expo> for the additional details and program updates.

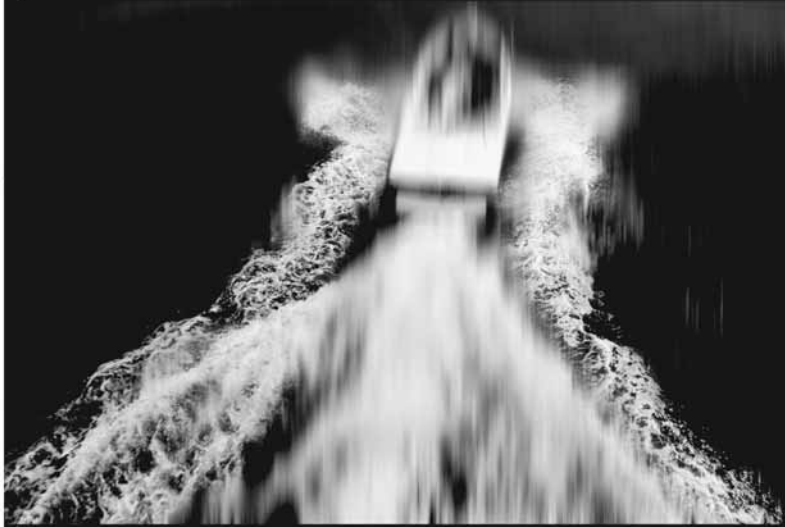
THE ASMP WILL BE SPONSORING THREE SEMINARS AT THIS YEAR'S PHOTOPLUS EXPO.

Understanding Lighting for a Digital World, Seminar # TA1
Presented by Joseph Cartright and Chris Lynch
Thursday 9 AM - 12 PM, **Cost \$105.00**

Cooking Up Adobe Raw, Seminar # SA11
Hands-On Session With Joseph Cartright and Chris Lynch
Saturday 9 AM - 12 PM, Limited Enrollment, **Cost \$150.00**

Financial Wealth for Creatives, Seminar # SA6
Presented by Ian Summers and Aaron Schindler
Saturday 9 AM - 12 PM, **Cost \$105.00**

Accelerate and Automate Your Workflow with CS2



Digital workflow workshops

- Adobe Bridge
- Camera Raw
- Automating Processing
- Exposing for Digital
- Color Management
- Monitor Profiling
- White Balance
- Metadata
- Upresing and Downresing
- Digital Standards
- Sharpening
- File Naming Conventions
- Digital Asset Management
- Copyright and Security
- Digital Delivery
- Scripting
- Customizing Presentations
- Printing
- The Business of Digital
- Photoshop CS2

D-65
BUSINESS CREATIVITY

For more information on our
digital workshops please contact us at:
866.615.6500
www.d65.com

For the latest from ASMP and its members about hurricane Katrina and its aftermath, visit www.asmp.org/news/spec2005/katrina.php

NEWSLINE

The ASMP is deeply concerned for the well-being of all who have been affected by hurricane Katrina. ASMP's Executive Director Eugene Mopsik has been working on a case-by-case basis with many members to help identify and supply needed materials. At press time, Gulf Coast Chapter President George Long says that at least half of his 65 chapter members have checked in with him. Although he knows of a few members heavily impacted by this disaster, so far he has learned that most members homes are intact.

HURRICANE KATRINA—ONE PHOTOGRAPHER'S STORY INTERVIEW WITH DAVID RAE MORRIS—ASMP GENERAL MEMBER FROM NEW ORLEANS



All Photographs © David Rae Morris

The road to the beach, Bay St. Louis, Mississippi.

GOING BACK

At first I was reluctant to get back to New Orleans without an assignment. But, as it turned out, I'm glad I did, because it allowed me to get caught up in the emotions, which I needed to do. If I had been on assignment I think I would have been too focused on trying to please somebody else, to shoot for somebody else. I'm just happy that I went with the flow of it. I felt like I was doing some really good work and if it ends up being for no one but myself, then that's okay.

THE NEIGHBORHOOD

I've been in to New Orleans three times last week. The first two days, I observed my house from the outside and saw that it was basically secure and intact. My house is two and a half blocks from the Mississippi River and two blocks from the industrial canal levee, so we're right there at the corner of the levees. But it was on high enough ground so that it seems like no water got in at all. The plywood I put up on the front two windows was still up and there was mail in the mailbox. I mean there was still a mailbox—that was the amazing thing.

To view more of David Rae Morris's images from the aftermath of Hurricane Katrina, visit www.davidraemorris.com/lag.html



A PART OF THE STORY

It's sort of befuddling to me that in this great disaster, we initially thought that we might have lost everything, when in fact we might have not lost much at all. And now my heart really goes out to the people who have lost everything. In the first days after the storm, I was on the Mississippi Gulf Coast and I'd be talking to people in the middle of their houses that had been smashed and they'd say, "Where are you from?" and I'd say, "New Orleans," and there was this sense of recognition that I was part of the story too.

GETTING OUT OF TOWN

We got out early on Saturday, the storm landed on Monday. This is the first time I've ever evacuated, I've always stayed to cover the storm. But there was just something ominous about this, and I just said, "I'm not dealing with this, I'm leaving." We literally got out with three changes of clothes, and I ended up leaving a lot of stuff because in the back of your mind you think you're going to be back Monday or Tuesday, because that's the way it's always been. So Sunday and Monday and Tuesday I went through this tremendous sense of both guilt and regret that I didn't take an hour to collect more things. I did take all my digital disks and my laptop and my computer, but I left all my copy slides for some major projects that I've been working on for ten years.

WORK

I went through two or three days of just this roller-coaster ride that I had lost my life's work. And the only way to really deal with that was to jump in and start covering the story. So I started slowly working with the alternative paper here, the *Jackson Free Press*. Then I broke down—I had held out against signing the *New York Times* contract, and I basically said, "This story is bigger than me, and I need to get in there and shoot it."

DISPLACEMENT

I think the hardest part of this is that communities have been scattered. I've got friends who I used to see two or three times a week. I've accounted for them, but I don't know when I'm going to see them again. And then you start talking about the communities that weren't able to evacuate, that were finally shipped out to Texas or Utah. What's going to happen to those communities? This comes back around to how does New Orleans get rebuilt? And whose New Orleans gets rebuilt?



Top left: Unearthed casket resting on an above-ground cemetery crypt in rural St. Bernard Parish, Louisiana. **Top Right:** Search and rescue on Humanity Street, New Orleans, shot from the I-610 overpass. **Middle:** Beachfront property in Waveland, Mississippi. **Bottom:** A priest comforts parishioners during the first Mass after the hurricane, Bay St. Louis, Mississippi.

**THE MOST IMPORTANT PICTURE
AWARDED ASMP FOUNDATION GRANT**

Buffalo, New York photographer Brendan Bannon is one the latest recipients of a \$1,000 grant from the ASMP Foundation for his ambitious documentary project to create a global portrait of HIV/AIDS through the eyes of the children affected by the disease.

Bannon travels to areas heavily impacted by HIV, where he conducts workshops with afflicted teens to teach them basic photography skills and empower them to tell their stories. He works in partnership with non-governmental organizations (NGOs) with a goal to spread this project to ten or more countries worldwide. Bannon began The Most Important Picture in 2003 while working on a project about deinstitutionalization in Romania, a country with the highest level of pediatric HIV in Europe. In 2004, he traveled to Africa, where he worked with children in Uganda. Bannon will return to Africa in late September 2005 to continue his work from a base in Nairobi, Kenya.

In the images and texts from this project, Bannon sees people who are surviving, in spite of the fear, misunderstanding and discrimination that surround their disease. "In our time it is an under-reported miracle that people face calamity and find a way to survive and sometimes even flourish," he explains. "If you talk to these kids, if you read their words and see their images, you will see people who are not angry and not consumed by fear."

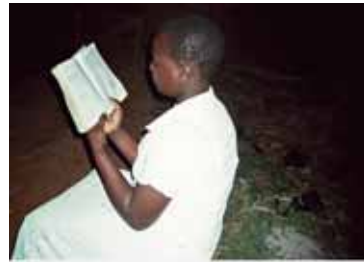
Work from the first chapter of The Most Important Picture received an unprecedented level of interest and support in an exhibition that has traveled from the CEPA Gallery in Buffalo, New York to venues in Georgetown, Kentucky, and Bucharest, Romania. A follow-up exhibition at the CEPA Gallery is currently being planned. Further details about the project can be viewed on the gallery Web site at <www.cepagallery.com/mip>.

ASMP Foundation Board President Dan Lamont recalls that Bannon's project stood out from a number of similar proposals submitted to the Foundation this spring due to the level of organization of Bannon's submission and his track record. Bannon had also successfully created a similar program in Romania and had used it as a way of raising awareness and encouraging both professional and public discourse.

"We received a lot of good project ideas with a similar emphasis on empowering youth by teaching them to express themselves through photography," says Lamont. "But among all these well intentioned programs, Bannon's stood out because it was extremely well planned and it reached out to a broad audience. When applying for an ASMP Foundation grant, it's important to look closely at our mission and to consider how the project will fit with this," he adds.

Grant applications are reviewed twice yearly by ASMP Foundation board members. The next application deadline is November 15, 2005. Applicants do not need to be ASMP members to be considered for a grant. Successful applications have all demonstrated the potential to help educate both ASMP members and the broader creative community of which they are a part.

For further guidelines about ASMP Foundation Grants and a downloadable application form visit this link: <http://www.asmp.org/foundation/grantguide.php>



I was really pleased with photos

I like to when I am making a photo because when I am sitting on a pot and I was feeling so if I can do a good job the next day in the town things could be so good.



How I Dissect...

...the camera has moved to my room and he wanted the picture that with a book



I believe I can fly

I took it because I know one day, one time I will fly and travel in some countries... I also know that I can work hard in order to get my goals. Even if my parent dead I know I will fly through photography.

All Photos © The Most Important Picture

—JW

With the help of ASMP, Bannon will return to Africa to continue his work with children living with HIV/AIDS

WAYNE MILLER ARCHIVE ACQUIRED BY CCP

The Center for Creative Photography (CCP) in Tucson, Arizona recently announced the acquisition of the archive of Magnum photographer and ASMP Life member Wayne Miller.

A Chicago native, Miller was awarded two consecutive Guggenheim Fellowships in 1946 and 1947 to chronicle the African-American community of Chicago's south side. During World War II, he served as a combat photographer in Edward Steichen's Naval Aviation Unit. Miller worked with Steichen again during the 1950s to assist in curating the *Family of Man* exhibition at the Museum of Modern Art. In addition to having his photography included in this show, Miller made photographs that depict the curatorial process of this groundbreaking exhibit.

According to Miller, he has been in discussions with the CCP about this acquisition for six to eight years. His archive will include a complete set of prints and contact sheets, as well as books, correspondence and awards. Miller sees the concept of an archive as being all-inclusive "Everyone looking at an archive should see the junk together with the good stuff," he says.

CCP's archive collections are the hallmark of the center, which began in 1975 with the acquisition of Ansel Adams' work. The archive collection currently totals 800,000 exhibition prints and 3.8 million other documents, such as W. Eugene Smith's easy chair and Ansel Adam's Stetson hat.

—JW

ASMP WINS BIG WITH GRAPHIC DESIGN USA

The *ASMP Bulletin* received a 2005 American Graphic Design Award for excellence in communication and graphic design in the newsletter category for its Summer 2004, Fall 2004, Year End 2004 and Winter 2005 issues. This year the competition drew 10,000 entries from publications nationwide, of which only 10 percent garnered awards. The seven-member jury represented a range of professionals from the field, from principals of large and small design firms to creative directors from industry magazines, including *Style Magazine* and *Graphic Arts Monthly*. Award winners will be published in a 300-page Annual Awards edition in December, which will be distributed to a national audience of influential creative decision-makers.

—Amy Blankstein



**COMPLETE
PROFESSIONAL DATA BASE
FOR PHOTOGRAPHERS,
MODELS, MAKEUP ARTISTS
AND MORE**



CAM ONE

WWW.CAMONE.COM

INFO@CAMONE.COM

702-248-6578

FREEZE FRAME-CAM ONE INTERNATIONAL

OUTSTANDING VOLUNTEERS



© Steve Niedorf

A Steve Niedorf image that reflects his business motto: *Be Prepared.*

STEVE NIEDORF—MINNEAPOLIS/ST. PAUL CHAPTER

“We call him Mr. Wonderful,” says Lance Vicknair, co-president of ASMP Minneapolis/St. Paul. This endearing quip is meant for Steve Niedorf, a local board member for the past two years. “He has done nothing but contribute constantly,” says Vicknair. “Steve has a great organizational sense. He will take on a project and have it laid out in his head and on paper before anyone else gets involved.”

“Steve has a combination of both fervor and attention to detail that has really helped our chapter,” explains Bruce Kluckhohn, a former local board member currently on the national board. Kluckhohn recalls that four or five years ago the local board received an e-mail from Niedorf with news about a state tax law that offers a rebate on capital equipment purchases. The details Niedorf shared about the Minnesota state sales tax rebate ST-11, posted on the Minnesota chapter Web site at: www.asmp-msp.org/resources/dir_sales.html, have resulted in big savings for many photographers within the state.

Niedorf’s economic good sense extends to other facets of the organization as well. “Steve is always conscious of the fact that as a chapter we need to stay solvent,” says co-president Kurt Adolfson. “But if there’s a possibility to get a really great speaker, we don’t always need to make money on every meeting.”

His encyclopedic knowledge of industry contacts has resulted in ASMP hosting a number of big-name speakers for Minnesota photographers.

And Niedorf’s expertise was the catalyst for an upgrade to the chapter’s Web site, on which he continues to work as Web master.

Bravo and thanks, Steve Niedorf, for your many contributions to the ASMP.

—JW

ASMP

PROSURANCE

FOR THE  PROFESSIONAL PHOTOGRAPHER

From disability income, studio insurance to automobile and homeowners coverage, Taylor & Taylor and St. Paul companies have been taking care of the insurance needs and problems of artists for over 35 years.



90 Park Avenue, New York, New York 10016 Tel: (212) 490-8511 Telefax (212) 490-7236

CHIP MITCHELL—CENTRAL VIRGINIA CHAPTER

For many years, photographers in the area around Richmond, Virginia were affiliates of ASMP's Mid-Atlantic chapters. ASMP's Central Virginia Chapter was formed in 1995, thanks in large part to the efforts of Ashland, Virginia, photographer Chip Mitchell.

"Chip was there in the embryonic stages of formation and helped define the direction of the chapter," says Richmond photographer David Stover. "His vision of what a chapter should be and his willingness to work above and beyond the call of duty has brought us to a very high level of functionality," he adds.

Lee Brauer, a fellow member of the original chapter board, describes the ground up efforts the board made during its early days. "Most of the local photo community were not members of ASMP at the time," Brauer says. "Chip was really good at dealing with the interpersonal relationships of getting people on board. He spent a lot of time with other photographers and was meaningful in getting the message out about better business practices," he adds.

Susan Delgado, the chapter's current vice president, applauds Mitchell's skill as a communicator. "He runs his business the same way he's handled ASMP, by getting very involved with his subjects."

Mitchell's close involvement with chapter activities extends to his hosting a one-day board retreat at his eighteenth-century lakeside farmhouse as well as his management of postcard mailings to accom-



© Chip Mitchell

Chip Mitchell's on-stage view of performers in *A Nutcracker Classic*.

pany the chapter's monthly online member profile.

David Stover aptly sums up the expansive nature of Mitchell's generosity. "I can call on Chip at a moment's notice for advice on any problem I may be facing, from estimating a project, to dealing with a Photoshop question, to laying paving stones in my sidewalk."

Congratulations, Chip Mitchell, on your success at bringing the ASMP to your local community. —JW

Autumn
Capture

Canon & Roberts
present the
EOS-1Ds Mark II
Unparalleled Resolution and Performance

- 16.7 megapixel full-frame CMOS sensor and DIGIC II Image Processor
- 4 fps for up to 20 consecutive frames
- 0.3 second start-up time
- Dual memory card slots

Roberts
PHOTO • VIDEO • ELECTRONICS • IMAGING

Main Store: 255 S. Meridian • Indianapolis, Indiana • 317-636-5544

Shop our new catalog on-line at www.robertsimaging.com or 1-800-726-5544

This article does not attempt to provide a step-by-step outline for calculating the value of a photographic collection or to cover all situations. Anyone seeking an appraisal of his or her collection should contact a qualified professional and/or discuss this subject with his or her attorney.

THE POWER OF VALUATION

PLACING A VALUE ON AN IMAGE COLLECTION IS A TRICKY TASK, BUT UNDERSTANDING THE VALUATION PROCESS CAN LEAD TO HEALTHIER BUSINESS DECISIONS.

You've dedicated years of your life to building an impressive photographic archive. But how much—in cold, hard numbers—is your collection actually worth? What dollar figure would you assign to your 2,000, 20,000 or 200,000 images if you were looking to insure them, value them for estate planning, or attempting to sell them to a hungry photo agency?

If you're not stumped by that question, you're an exception. All collections are vastly different; methodologies for valuing collections vary greatly; the purpose for valuing a collection affects the final outcome; and constantly shifting factors in the image-licensing industry influence an archive's value. Luckily, while appraising a collection is hardly a cut-and-dry activity, understanding the basics of collection evaluation offers photographers important insights that can help them grow, organize and refine their collections in the most profitable manner.

DIFFERENT GOALS, DIFFERENT VALUES

One key to collection valuation is to understand the three main reasons for defining the value of an image archive:

Estate and Tax Planning – *To make concrete plans for the future of your collection—whether it is intended as a gift to family members or a bequest to an institution—you will need to take charge of valuing your collection, as the IRS is woefully untrained in proper assessment of image collections.*

Selling a Collection – *To sell a photo collection at the most profitable level, you need to have a clear understanding of what your collection is worth—especially in the current market.*

Insurance Purposes – *To accurately insure a collection against loss, you need to have a realistic understanding of both its current value and its future earning potential.*

“The specific purpose for appraising a collection affects the method of valuation as well as the final outcome,” explains Victor Perlman, ASMP's general counsel. “When it comes to estate planning, a photographer might want the collection to have a lower value to reduce the tax burden paid by beneficiaries. However, if the same collection is to be gifted to an institution, the photographer would desire a higher valuation to increase the tax write-off, if Congress ever decides to allow creators to deduct the fair market values of their donated works.” All valuations should be in a range that is both realistic and justifiable, but for insurance purposes, a photographer should look for a figure toward the higher end of that range. And when it comes to selling a collection, a photographer is obviously looking for the highest figure.

ESTATE PLANNING

Having appraised hundreds of collections over many decades, and keeping well abreast of changing trends in image valuation, Jane Kinne is the foremost expert in appraising photo archives specifically for the purposes of estate planning. She has developed systems for coming up with consistent, accurate appraisal results, but she concedes that the activity of evaluating a collection is still in many ways as much of an art as it is a science. “Nonetheless,” Kinne pragmatically points out, “there are a number of factors that go into appraising a collection that all photographers would do well to understand.”

• The Actual Appraisal

A formal appraisal is not just a figure; it is a comprehensive written document. “The appraisal,” says Kinne, “gives the value of a collection plus an explanation of the methodology used to arrive at the final result.” The appraisal also indicates the time frame over which the value is likely to remain constant.

• Supplemental Appraisals

Because the collection value assigned by appraisers is dated, supplemental appraisals are needed if any significant time has elapsed—even if the collection hasn't grown or changed. Shifts in the state of the image licensing industry can increase or decrease the value of a collection. If the methodology of the original appraisal was clearly outlined and if the photographer continues to maintain good records, supplemental appraisals can be fairly easy and inexpensive.

• Valuation Formula

The first thing an appraiser needs before evaluating a collection for estate planning is a solid record of sales history (five to eight years' worth). This, combined with a value on the core of the collection—between 1 and 10 percent of the total number of images—over the life of the copyright (presently the life of the creator plus 70 years), forms a basis on which to place a final figure. To this gross an appraiser applies a present-day value, which is an accounting tool figure, to arrive at the market value of the collection—the value most often sought.

SELLING A COLLECTION

When it comes to selling a collection, the careful systems of valuation used in estate planning are largely bypassed. It's not that those systems are invalid, rather, when it comes to selling a collection, one business maxim trumps all others: the value of a collection is determined by what the market will bear.

Jim Pickerell, stock industry expert and author of *Stock Notes*, says

that many factors come into play when selling collections. These include not only the quality of the images in question but also the collection's name-brand value, the buyer's eagerness to acquire the images, and the competition in the market place.

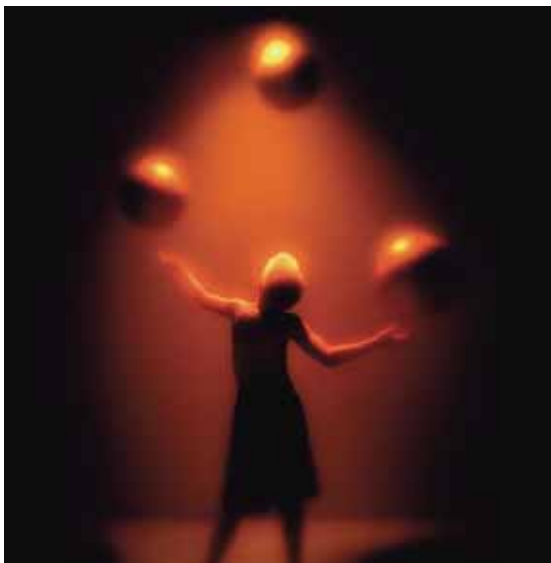
"If the file of images is very organized, well keyworded, and completely digitized, a seller can expect to get about two times the gross yearly revenue of the collection," says Pickerell. "You can see," he points out, "that it's usually more profitable to continue to maintain your own collection."

However, other factors can drive prices up or down. Pickerell explains that after a glut of collection buying in the late 1990s, there was a hiatus between 2001 and 2003. Buying has been picking up slightly since then, notably because Jupiter Media has been buying collections to compete with the major players in stock. And, according to Pickerell, Jupiter's desire to grow has spurred Getty back into the game to keep Jupiter from transforming into a major competitor.

INSURING A COLLECTION

When it comes to placing a value on a photo collection for insurance purposes, all the experts agree. As Pickerell explains, "The sad bottom line is that you simply won't be able to insure your collection for the full value of its potential earning power." This disadvantage is offset by the fact that modern technology makes the best collection insurance readily available: multiple copies of digital files stored at different locations. Few photographers have such strategic systems in place, yet planning for this contingency is the best insurance policy available to date.

Ethan G. Salwen, a San Francisco-based photojournalist and writer, is a board member of the American Society of Picture Professionals and a regular contributor to a number of magazines on topics relating to photography.



© Kevin Foster

"Many people believe their collections are far more valuable than any appraisal will reveal," cautions Kinne. She says that many photographers are disappointed with the results of their appraisals. Occasionally collections are worth much more than people expect, but that is the exception and not the norm.

VARIABLES THAT AFFECT WORTH

Age of the Collection "There's no real point in appraising a collection less than five years old," says Kinne. "Unless, of course, a buyer is barking up a tree to purchase it." While the images in a well-established photographer's collection are usually her or his business's greatest asset, less-established photographers will probably have far more invested in equipment than a young collection is worth. Also, a minimum of five years of records (ideally eight, says Kinne) are needed to arrive at an accurate and fair valuation.

Subject Matter This plays a huge role in determining both the current and future value of a given collection. "The recent trend in prices has been almost consistently downward, and many photographs tend to go out of fashion after a while," says Perlman. "That is unless there is a historical or nostalgic aspect that makes the pictures unusually desirable."

While Kinne agrees, she points out that other factors concerning subject matter influence a collection's values. "Lifestyle images will most likely not have value in the short-term," says Kinne. "But those same images may have historical value in thirty or forty years. She says that "concept" imagery also tends to have a short shelf life. However, a strong collection of well-captioned natural history images—like those of Art Wolfe's—is less time-sensitive and has good staying power.

ASSET MANAGEMENT

One critical aspect of collection housekeeping is organization. James Cook, author of the photography business software, HindSight, explains that an organized collection would certainly be more valuable than a disorganized collection, whether done digitally or using analog methods. Cook points out that most images are meaningless without good descriptors. "An image of a mountain may look nice," Cook says. "But when you know it's Mount St. Helens before its eruption, the image has far greater sales potential."

The advantages to having information in a digital asset management (DAM) program are substantial. A DAM program makes it quick and easy to reproduce and distribute an entire archive, which allows part of an appraisal to be completed off-site. Such programs generally incorporate a reference view of each image along with its complete sales and usage history. Having all these elements readily available for analysis makes it much easier for an appraiser or potential buyer to know what they're dealing with.

HOUSEKEEPING

"Almost every photographer is holding images in his collection that he shouldn't," cautions Kinne. "And the number one chore photographers need to accomplish before they have their collection appraised is to house clean—to weed out the good from the bad." This is particularly important when it comes to appraisal by the IRS, whose agents are not trained in the intricacies of valuing image collections. They will often apply a simple formula to valuation—for example, 50 cents for every image—which will seriously handicap collections not tightly edited.

Kinne defines "good" by two factors: images of the highest technical and artistic quality, and those that stand a good chance of being published. A powerful starting point is to understand industry trends—both past and present—and to know which subjects sell and why.

One strategy Kinne recommends for weeding "non-marketable" images that a photographer may want to keep in his or her collection is to label images with headings like: "Family," "Reference," or other descriptors to indicate that these images should not be considered for valuation purposes.

Whether you're preparing for a formal collection valuation or just trying to take care of regular housekeeping, it can prove invaluable to hire an experienced, market-savvy editor to review your archive. Not only can this person point out which images are most likely to retain and grow in value, but she or he can teach you to start seeing which images add the most value to your collection and why.

THE RIGHT OF PUBLICITY EXPLAINED

If you use another's likeness without that person's permission, you could have a multimillion-dollar problem. A California jury recently awarded a kindergarten teacher and former model, Russell Christoff, \$15.6 million because Nestle U.S.A. violated his right of publicity by using his image without authorization on its Taster's Choice coffee labels. Christoff had signed a limited model release for the pictures, but this release did not cover the particular use that Nestle made of his image.

WHAT IT IS

The right of publicity recognizes that a person's identity has economic value resulting from the person's creativity and efforts. The value may be significant. For example, some athletes earn more from endorsements than from their salary.

The right of publicity protects each person, celebrity or not, and allows each to control and profit from his or her identity. This right protects all aspects of one's persona including one's voice, name, nickname and even property and phrases closely associated with that person. A majority of states recognize publicity rights either by statute or through case law. California among others, protects those rights even after a person's death.

POTENTIAL DAMAGES

The damages a defendant may be required to pay for a violation of the right of publicity will be an amount sufficient to compensate a plaintiff for that person's diminished ability to commercially license his or her identity in the future. Also recoverable is the lost licensing fee that the defendant could have negotiated with the plaintiff before engaging in the unauthorized use. In addition, California and some other states permit a plaintiff to recover a defendant's profits arising from and attributable to the unauthorized use.

In the Taster's Choice case, Mr. Christoff recovered a portion of the defendant's profits, resulting in an award of substantial damages. That is because Nestle had made millions from its sales over a five-year period of the Taster's Choice brand containing Mr. Christoff's image on the label. The jury determined that 5 percent of those profits, or a whopping \$15.3 million, arose from Nestle's use of that image. The jury also awarded Mr. Christoff \$330,000 as his lost licensing fee.

FIRST AMENDMENT PROTECTIONS

The First Amendment may protect an unauthorized copy of another's identity if the copy adds significant creative elements or is used to provide social commentary on a matter of public interest. For example, *Los Angeles* magazine was permitted to use an image of

Dustin Hoffman's head from the movie *Tootsie* superimposed on a male model's body wearing a designer dress and heels. The court stated the image was part of an article combining "fashion, photography, humor, and visual and verbal editorial comment on classic films and famous actors." Similarly, a court found baseball trading cards, featuring readily identifiable caricatures of major league baseball players with humorous commentary about their careers, worthy of First Amendment protection.

The right of publicity is different from the right of privacy. The right of publicity protects the business value of an individual's identity. In contrast, the right of privacy protects a person's right to be left alone.

MODEL RELEASES AND THEIR PROVISIONS

Obtaining a model release will not prevent a lawsuit. But it will shield a photographer from liability for publicity claims if the release authorized the use about which the plaintiff now complains. A properly drafted release will also protect you from privacy claims. But the scope of protection for those claims is not addressed here.

Most photographers have a standard form model release. There are a number of important provisions photographers may wish to include in a release, two of which are detailed below:

First, to avoid problems for multiple types of image use, include language in the release authorizing any possible use of the work, commercial and noncommercial, in all media, including those not yet created.

Second, anticipate that you and your licensees may use digital technology to manipulate your images. Therefore, include a clause in your release authorizing the unlimited right to distort, manipulate, modify, alter or change the image using any technologies, including those presently unknown.

The right of publicity will continue to grow in importance as the opportunities to exploit one's identity grow. Photographers should therefore be aware of the scope of publicity rights and take steps to protect against publicity claims regardless of whether those captured in the camera's eye are publicly known.



© Beth Green

Andrew Berger is counsel to the New York law firm of Tannenbaum Helpert Syracuse & Hirschtritt LLP and may be reached at berger@tanhelp.com or by calling (212) 702-3167.

PARADISE LOST

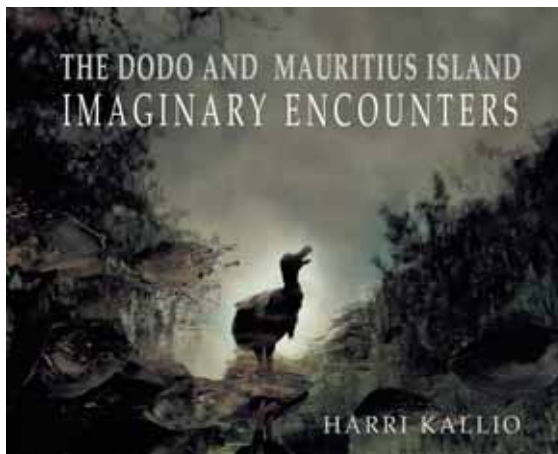
As a child, Harri Kallio, a Finnish photographer and sculptor currently based in New York, was fascinated and amused by the dodo bird character in Lewis Carroll's *Alice's Adventures in Wonderland*. The unfortunate prey of humans and the animals they introduced into the ecosystem on Mauritius, the gentle dodo was extinct by 1693, just 50 years after the Dutch occupied the island. Many have shared Kallio's captivation with these creatures. As he points out, "there have been more books written about the dodo than any other single extinct species."

Kallio embarked on an ambitious project to "document" figures of dodos in the few unspoiled areas on the island of Mauritius. He conducted meticulous research at four European museums whose collections include dodo specimens. From subsequent studies of sources from museum artifacts to nineteenth-century lithographs at libraries and museums worldwide, Kallio constructed his own accurate dodo models.

Kallio then set about photographing them as they might have appeared on the once pristine island. And the reader, while knowing that photography had yet to be invented at that time, can fully appreciate this mythical depiction.

Kallio captures this paradise lost in one particularly poignant image in which a blurred human form is seen chasing after a large dodo and one of its young. In 2004, this body of work won the European Publishers Award for Photography, the result of which was the publication of this imaginative book.

—Monica Cipnic



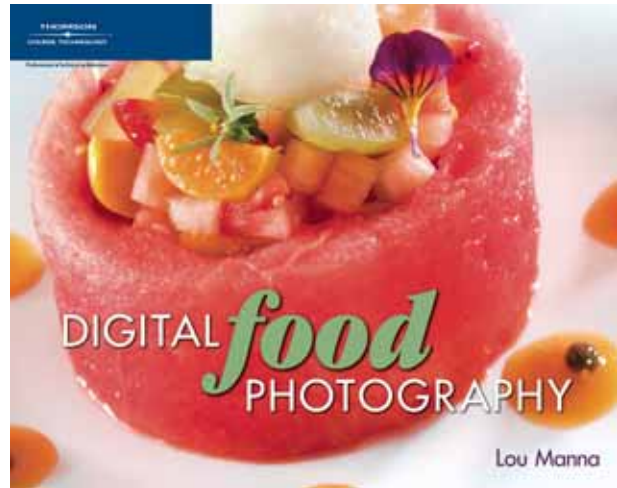
*The Dodo and Mauritius Island:
Imaginary Encounters*

by Harri Kallio

Dewi Lewis Publishing, October 2005

Hardcover, 128 pages, 150 color photographs

ISBN: 1904587135, \$45.00



Digital Food Photography

by Lou Manna

Thomson Course Technology PTR, August 2005

Paperback, 312 pages, 480 photographs

ISBN: 1592008208, \$39.99

FOOD, GLORIOUS FOOD

The images in Lou Manna's beautiful and well-crafted book, *Digital Food Photography*, are mouth-watering examples of his award-winning images—they look good enough to eat right off the page. After more than 30 years of experience in the field, Manna has produced a knowledgeable, clearly written and easily accessible guide to the artistic and business techniques needed to succeed in this competitive genre.

A digital photography innovator for more than a decade, Manna champions the medium for the creative versatility it provides. He offers step-by-step guidance to a wide range of subjects, including choosing the optimum equipment, the importance of composition, lighting techniques for every budget and digital retouching for the perfect final image. Manna explains that creating great-looking food photographs depends on the teamwork of photographer, food stylist and client. He tutors the reader in current trends by presenting and dissecting a successful photograph as well as critiquing examples that didn't quite work and why.

Did you know that a dab of soapy water can give bacon strips that straight from the frying pan sizzle or that glue makes a bowl of morning cereal look just right? Manna devotes an entire chapter to insider tips of food-styling and shooting suggestions for food items that all appear ready to eat and delectable—even if some of the ingredients used are not.

Throughout this book, Manna stresses the processes that make a successful studio run smoothly to create high-quality photography and result in a thriving business venture. It's no wonder Lou Manna is considered a master in the art of food photography.

—MC

TO RIP OR NOT TO RIP?

A third-party print driver, often referred to as a RIP can, in many cases, provide capabilities that greatly improve the output quality and workflow of your digital printer. For this and other reasons, many photographers are investigating the benefits of substituting the print drivers that ship with their output devices with those from other companies. Do you need a RIP—and what exactly is it?

What is a RIP?

A RIP (raster image processor) is a software product that converts images described in the form of vector graphics statements into raster graphics images or bitmaps. This important printer add-on can provide capabilities most original equipment manufacturer (OEM) print drivers lack. For example, most OEM print drivers cannot process vector data and instead only understand how to output bitmap data. What's the difference? Applications like QuarkXPress, Freehand, InDesign and Illustrator produce elements of vector data. Vector data is a mathematical description of a shape instead of a composition of individual pixels. An example of vector data would be a font, line art or logo. A bitmap is an image file composed of 1-bit pixels, which are either on or off. Photoshop handles all image data as a bitmap, a mosaic of pixels that form the image. At some point, vector data needs to become a bitmap so that a printer can produce the dots necessary to reproduce the shape. The process of converting the vector data into a bitmap is known as rasterizing.

Most desktop photo printer drivers are not capable of rasterizing vector data; they only know how to handle bitmap files. One job of a RIP is to rasterize vector data. However, a RIP can often enhance the capabilities of a desktop printer to provide capabilities in addition to the output of both vector and bitmap data. For example, most OEM drivers cannot handle CMYK data. The majority of print drivers are either QuickDraw drivers (found on the Apple Macintosh) or GDI drivers (found on Windows operating systems). Neither type of driver is designed to output CMYK data correctly, and can only interpret RGB data. If you send an RGB bitmap file through one of these drivers, a proprietary conversion to the native color space of the printer happens on the fly inside the driver. For example, when you send an Epson 2200 an RGB file, the RGB data has to be separated correctly into the seven color components of CcMmYKk specific to this printer. If you were to send CMYK data to this printer, the “black box” processor in the driver would have to convert the data back to RGB in order to produce the CcMmYKk conversion necessary. This conversion from CMYK back to RGB and then to CcMmYKk often produces terrible

color prints. Quickdraw and GDI drivers only know how to handle RGB bitmap data, so if you need to output files from applications that handle vector data or CMYK files, you need a RIP.

Popular RIPs

There is more to a RIP than just rasterizing data and handling CMYK. In some cases, a RIP can provide a much better print engine than those supplied by the printer manufacturer. For example, the driver setting that produces the widest gamut data from an Epson (*No Color Adjustment*) happens to produce nonlinear, badly implemented ink delivery, producing poor shadow detail and laying down too much ink.

Substituting the native print driver with a third-party RIP like ImagePrint from ColorByte Software <www.colorbytesoftware.com/imageprint.htm> produces a much better ink delivery with added control over the printing process. The dot pattern (dither) can be superior using the ImagePrint RIP, which makes it difficult to believe that the same file output on the same printer can produce such a difference based solely on the print engine. Since it is not uncommon to find the same OEM driver in the box with a \$99 consumer printer as a \$5,000 large format professional printer, this should not be a surprise!

Another excellent RIP is X-Proof/X-Photo from ColorBurst <<http://www.colorburst.com>>. Like ImagePrint, this RIP provides very robust control over ink delivery so you can produce beautiful, neutral black-and-white prints using multiple color inks. You can drag and drop multiple files into X-Proof/X-Photo and walk away as it outputs any file in its print queue. A print queue allows greater productivity by allowing multiple files to be printed, reprinted and stored for printing without requiring the files to be opened in Photoshop or other applications.

Many RIPs are able to provide added workflow capabilities that the standard print drivers do not offer. For example, the ability to produce package prints or to gang up multiple images on a virtual canvas can be a huge time-saver. Say you have a 44-inch inkjet printer and want to fill a large sheet with images. Doing this in Photoshop will require you to first build a huge Photoshop canvas, which will take up a few hundred megabytes of space and RAM overhead. Most RIPs allow images to be handled outside Photoshop without requiring the high-resolution files to be opened first. This saves a great deal of processing overhead and thus conserves time. Using the ImagePrint RIP, you can drag and drop huge files over its virtual canvas, and position them with great efficiency. At print time, the RIP goes out and collects the high-resolution data necessary for printing.

Some RIPs are known as PostScript RIPs whereas others do not

THAT IS THE QUESTION

handle PostScript data. PostScript is a page description language invented and marketed by Adobe Systems. If you are using a third-party RIP because you want the advantages of better ink delivery or improved print quality, but you're going to print only bitmap files (images), a PostScript compatible RIP isn't necessary. Non-PostScript RIPs usually cost less than their PostScript cousins. Photoshop can be used as a RIP in a pinch, but I wouldn't recommend its use for those who need to output multiple pages from a QuarkXPress or InDesign document. Photoshop can open and rasterize some vector data file types such as PDF or EPS. When you open these files in Photoshop, you will be asked what color space and resolution to select in order to rasterize the file. A vector file has no resolution or color space until you rasterize it by specifying what you wish from the original mathematical data.

PROFILING RIPs

Another advantage of some third-party RIPs is that they include ICC paper profiles. In the case of both the ColorBurst and ColorByte RIPs, an enormous number of well-built color profiles are available for many papers. OEM print drivers are usually optimized for specific papers and the number of paper profiles they support is often limited only to papers sold by one particular manufacturer. RIPs give you the option to create your own ICC profiles so that you can further improve output. Since RIPs do not have the limitations of the GDI or QuickDraw drivers, you can profile your printer either as a CMYK or RGB device. Some RIPs will allow only RGB data to be used to profile the device because, like the QuickDraw and GDI drivers, some proprietary conversions are still taking place. However, in such a case, CMYK data can still be sent through the RIP if you wish to proof CMYK files destined for press.

One advantage of using CMYK output profiles with a RIP like the ColorBurst X-Proof/X-Photo is that you can use existing profiles or build profiles with specific ink conditions and black generation. CMYK provides many options over how the mix of CMY and K ink is

built into output profiles. This can provide greater control over printing images based on the specific black generation.

For example, a profile with black generation that uses a greater mix of black ink to substitute CMY (something called GCR, or gray component replacement) will be ideal for output of images that contain lots of neutral gray tones, like in a still-life shot of silverware. It is far less likely that neutral tones will show a color-cast when the mix of black ink is high. If you are printing an image with very saturated colors, then the opposite will be true. Using a profile that replaces more CMY color than black will allow a higher saturation due to the mixing of these inks.

Due to the fine control of ink mixing and delivery, plus the lack of a color space limitation and superior dithering, a third-party RIP can provide far more control, better quality and added features that will prove useful to photographers. The main disadvantage of working with RIPs is usually the cost, followed by the learning curve and added complexity. On the plus side, RIP manufacturers tailor their products to the photo market, so they are getting easier to install and use. In the final analysis, for any photographers concerned about the quality of their work, there's never been a better time to investigate the benefits of using a RIP.



Drag and drop! In the ImagePrint RIP shown here, Rodney selected multiple images from the software's file browser and placed them into a large virtual canvas. Each image can be selected and sized or rearranged on the canvas far faster than with Photoshop. This virtual canvas measures 18 x 20 inches, but it can be any size desired.

Andrew Rodney specializes in color management solutions and training. He

is owner of the digital imaging training and consulting business, Digital Dog, and is one of the principal partners of Pixel Genius LLC, a company that has created such products as PhotoKit and PhotoKit-Sharpener <www.pixelgenius.com/index.html>. Rodney's book *Color Management for Photographers* is published by Focal Press (second quarter, 2005).

Rodney will be presenting the seminar *To RIP or Not to RIP* (#FC8) at PhotoPlus Expo in New York on Friday, October 21 from 3:45 - 5:45 PM. Visit <www.photoplusexpo.com/ppe/conference/conference_info.jsp> for registration and further details.

To learn more about ASMP member experiences with and recommendations of favorite RIP programs visit:

<www.asmp.org/commerce/rip.php>

POWERFUL PROMOTIONAL STRATEGIES

Photography-book publishing is a tremendous career-building tool. It is one of the most powerful instruments for launching, reviving and sustaining a reputation. In order to maximize the visibility of a book project and to further its potential for success, it is essential to create a comprehensive plan to market the book to publishers and to promote the book once it's been published.

When planning a book, you need to assess the audience that exists outside your immediate network. Devising an angle to hook a sizable niche audience helps sell a book to publishers, booksellers and book buyers.

Market testing your book among decision makers at publishing companies, galleries and bookstores is also worth undertaking. Being willing to hear an honest assessment is as important as creating a mock-up, making appointments and asking, "In your opinion, is there a market for this?"

In today's economic climate, book publishers are less likely than ever to publish a book that might not sell. If industry professionals (and those all-important bookstores) don't react with interest to a prospective book, it is unlikely the buying public will.

Jill Greenberg, an ASMP member based in Los Angeles, began making large-format studio portraits of monkeys and apes as a personal project. In October 2004, they were exhibited at Paul Kopeiken Gallery in L.A., where they received critical acclaim from *InStyle*, *Paper* and *Life* magazines. The prints also sold well. Shortly afterward, Greenberg landed a publishing contract with Bulfinch, which will launch a book of monkey portraits in the fall of 2006. The enthusiastic response of popular consumer magazines and L.A. collectors was a promising market indicator that the book would find "similar receptivity" on a larger scale.

5 key steps are paramount to successful book promotion:

- 1. Identify every goal that you want to achieve**
- 2. Recognize whose support you need in order to attain your goals**
- 3. Create a timetable six months to two years in advance**
- 4. Plan a strategy to keep the book alive after publication**
- 5. Focus on the activities most likely to help you attain your goals**



© Jill Greenberg

Jill Greenberg's successful Los Angeles gallery exhibit landed her a book deal for her monkey project. Wilkinson coordinated the promotion for this exhibition.

FOR PHOTOGRAPHY BOOKS

IDENTIFY YOUR MOST VALUABLE RELATIONSHIPS

It is useful to connect very early on with every potential supporter of your book project. Showing prospective publishers that you have strong resources behind you makes you a greater asset. They value the opportunities afforded by:

- An agent who will guarantee the purchase of a set number of books before publication, helping the publisher to offset the printing price
- Relationships with commercial clients who may sponsor or host a splashy launch party at which books can be sold
- VIPs or high-profile people who will allow their names to be put on invitations as cohosts for a launch party or signing
- Galleries that would be interested in hosting an exhibition to help promote the book and sell more copies
- Corporate clients who may be interested in paying for a private edition, with their logo inside the first page. These are often used for holiday gifts to valued customers.
- Printers and other businesses that will sponsor advertisements for your book
- Institutions that will host (and publicize) educational programs, such as film screenings, slide shows and discussions that involve your book.

PLANNING A BOOK'S MARKETING AND PROMOTION

The amount of time and resources a publisher has for publicity is limited by its profit margin, which is often quite narrow. In order to help maximize publicity for a book, you might consider hiring your own publicist. Analyzing the publicity a publisher has achieved for photography books most similar to yours will help you decide whether to make this investment.

Once you've convinced a publisher that there's a market for your book, you need to develop a solid network to help promote it. To be proactive about this, you should start planning a publicity campaign that, in addition to selling the book, will also promote your career. Publicity is the driving force in selling books. The publisher's goal is to generate the maximum amount of media attention for their new titles. It focuses on the book, not you the photographer, unless focusing on you will help expand its opportunities for publicity.

USING OUTSIDE CONSULTANTS

Publicists, PR firms and event firms are the most commonly used outside resources for book publishing. Event firms specialize in parties and can often add celebrities or socialites to an existing guest list. Most public relations firms and publicists (independent operatives who usually have past experience working for top firms) specialize in niche areas. Matching their niche to your target audience is an important consideration in selecting the right person to represent your work.

The most important key to a publicist's potential is his or her publicity clips about other projects in your field. These clips will demonstrate which outlets and media figures the publicist routinely deals with. When you interview potential publicists, review their clips to assess their past experience promoting photography books and to ensure they have cultivated relationships with picture editors.

Publicists have close contact with their clients once a campaign begins. In addition to regular updates, it is standard to receive periodic written activity reports from a publicist, with details of inquiries made and reactions of each journalist contacted.

For book promotions, these consultants charge a project fee, which usually spans six to seven months. Clients typically pay incrementally throughout the period covered. Out-of-pocket expenses are billed separately. Four weeks are generally needed to develop comprehensive publicity materials. Then, the publicist must initiate media contacts three to four months before a book's release. Two months beyond the book's publication are needed to approach weekly magazines, daily and weekly newspapers, and if appropriate, television.

You should expect to see a list of names, titles and media affiliations the publicist plans to contact before a campaign begins, and to receive written activity reports on a monthly basis (supplemented with weekly email or verbal reports). Most publicists invoice on a monthly basis within, say, a six-month campaign. Expenses are estimated in advance with half or more being paid up front.

Publicists work on a "no guarantee" basis. That is, they cannot promise that their work will result in publicity coverage. You are paying for the time they spend on your book's campaign—and for their expertise. No publicist wants to take on a project with the likelihood of attaining little publicity. Most are candid with their opinion of a book's prospects. I ask potential clients to describe their media goals and decline the project if I do not feel my work will support this. However, the most common reason a publicist will decline a project is because the timeline is too short to allow for magazine deadlines. This can cut publicity by more than half. Once you miss magazine deadlines, you can never catch up.

KEEPING A BOOK ALIVE

Keeping a book "alive" is vital three to six months after its publication. Start thinking about how to keep your book alive as soon as you sign a contract. The ideal timeline for a comprehensive plan to outline all pos-

[MARKETING MATTERS]

sible venues for book parties, exhibitions and programming is eight to 12 months before publication. This is not too early to begin contacting prospective venues.

One way to do this is to mount an exhibition tour. A multicity exhibition tour creates new publicity in every city, even when the book has been out for months. A frequently overlooked option to commercial galleries is university galleries. These venues are plentiful and many are dedicated solely to exhibiting photography. These spaces can sometimes help with resources such as shipping, framing, special events and promotions.

If an exhibition tour is set up well in advance, the exhibition venues can be included in the press release for the book that is sent to glossy high-circulation magazines. This level of publicity is a tremendous sales

tool for galleries—this is why it's vital to begin the publicity early.

EXHIBITIONS, PANEL DISCUSSIONS AND BOOK SIGNINGS

Galleries generally plan their exhibitions up to two years in advance. But many have some flexibility and can shift a schedule around, especially for a show that will add to their stature, potentially make them a profit, or help them gain new clients, which include your friends, clients and collectors.

Some books are appropriate for panel discussions at nonprofit organizations, where signings can be held. Institutions and special-interest groups have their own mailing lists that will reach new audiences.

It may be worthwhile to donate books to charity auctions and other events, if they can guarantee the book will be prominently displayed and credited. Displays in retail shop windows can also serve as a good source of advertisement for new books and photographs. Look beyond the major bookstore chains to seek out stores tailored to the specialty audiences best suited to your subject matter.

All of these activities are great ways to get your book out there, but you'll also want to try to leverage them into press coverage for your book. Editors at glossy monthly magazines want to cover the book during the month the book comes out. If the material is not available in time—three to four months in advance—little can convince them to profile the book, or the author, after publication.

FOCUS ON YOUR NICHE AUDIENCE

Mariette Pathy Allen has maintained consistent attention for her 2004 book *The Gender Frontier* in both the photography and transgender communities. She gives bookstore readings in cities where she travels for conferences and workshops. Her colleagues in the transgender field regularly recommend names of new reviewers, whom we approach to write about it. The latest review, in a Dallas weekly newspaper, reached more than 10,000 readers. As a result of Allen's direct-marketing campaigns to more than 50 gender studies professors at major universities, many are considering her book for classroom use. She is now investigating the university lecture circuit, which pays speaking fees. In addition to exhibition venues in the United States, her work was recently included among selections of contemporary American photography at the Internationale Fototage Festival in Mannheim, Germany.

When planning and promoting a book of your photographs it is critical to realize that publishers are responsible for selling books, not careers. If book publishing is to play a useful role in your career, it is never too soon to start planning how to supplement the book's promotion with the promotion of your business as a whole.



The only place in the world where the photo credit is bigger news than the headline.

Join us at the 3rd Annual Lucie Awards.

Previous honorees include: Lillian Bassman, Ruth Bernhard, Henri Cartier-Bresson, Douglas Kirkland, Annie Leibovitz, Mary Ellen Mark, Jay Maisel, Gordon Parks, James Nachtwey, Melvin Sokolsky, and Sebastião Salgado. See the greatest names in photography not sideways or in 6pt. type.

October 17, 2005, American Airlines Theatre, NYC. For tickets or to order an annual, visit lucieawards.com or call 310.659.0122.

THE
LUCIE
AWARDS



TOOLS OF THE TRADE

A complete press kit is more professional than sending out a solo press release or just having the information on a Web site. It provides editors with a maximum of documentation and resources about a book in one package. Press kits have a fresher, more newsworthy appeal than a Web site.

A press kit can include:

- * Press release/artist statement
- * A narrative bio that tells the story of your career using fresh, engaging language
- * Press clippings from magazines or newspapers that have reported on your work
- * An interview with the author or testimonial quotes from others
- * 8 x 10 press prints
- * Additional elements to capture attention and set your project apart from others—promotional postcards, brochures, magnets, etc.

A very timely idea that can generate a massive audience for your book is a blog. This can be created to document the book's production or about your work in general. (For more information about blogs, visit <www.blogger.com> and the blog section on <www.about.com>. Look to the photography or design department of a local university for a student to help assemble this for course credit or for a modest fee. Not only can a publicist promote the resulting Web site through traditional channels, you can use the blog to connect with like-minded online audiences by posting to related blogs and linking to other photography Web sites—all this will drive traffic to the site and further increase your visibility.

Shannon Wilkinson is president of Cultural Shannon Wilkinson is president of Cultural Communications, a promotional agency in New York City specializing in art, photography, visual books and style. She can be reached via her Web site <www.cultural-global.com>.

Wilkinson will be participating in the panel *Publish or Perish: Helpful Advice for Self Publishing Your Work* (#SB4) at PhotoPlus Expo in New York City on Saturday, October 22 from 1 - 3 PM.

Visit <www.photoplusexpo.com/ppc/conference/conference_info.jsp> for registration and further details.

The Winning Family



Foto Care has your camera – and the knowledge you need to unleash its power. Our imaging experts help you choose from Canon's family of dynamic digital solutions, the one that fits your professional requirements and budget precisely.

EOS 5D • World's smallest and lightest **FULL-FRAME DIGITAL SLR** with a 12.8 Megapixel CMOS Sensor

- DIGIC II Image Processor for outstanding image quality and performance
- New Larger 2.5 inch LCD Screen can be viewed even at extreme angles up to 170°
- Strong, light magnesium-alloy body with new shutter durability

EOS 1Ds Mark II • 16.7 Megapixels • Full frame CMOS Sensor • DIGIC II Image Processor

- 4 fps for up to 10 Consecutive Frames

EOS 1D Mark IIN • New larger 2.5 inch LCD screen can be viewed even at extreme angles up to 170°

- World's fastest digital SLR: 8.5 fps for up to 48 full-resolution JPEGs in a burst
- 8.2 Megapixel CMOS Sensor with a convenient 1.3x lens conversion factor, combined with DIGIC II Image Processor for outstanding image quality
- RAW + JPEG recording on separate memory cards, easy switching between memory cards and user-set file prefixes

We provide you with the tips, training and strategic solutions you deserve to make the most of your investment. We not only put the right product in your hands, we help you maximize its potential, learn the newest technology and achieve your optimum workflow. That's the Foto Care difference.

BUY OR RENT TODAY! Let Foto Care help your workflow work for YOU.

FOTOCARE

136 West 21 Street, New York, NY 10011 • Ph (212) 741 2990 • Fx (212) 741 3217 • www.fotocare.com

DEFINING IMAGES

KNOW HOW TO (RE)ACT IN THE EVENT OF A GOLD RUSH

Steve Steigman’s famous 1981 photograph of the man in a leather chair, being blown away by his speakers, is a classic example of a single photograph that defined an era and transformed the company that commissioned it. That one image, which made Maxell synonymous with rock ’n roll, also cemented Steigman’s reputation as one of the hottest photographers and most saavy negotiators of the day.

In our current day media-saturated and rights-challenged culture, memorable, enduring images have less of an impact and a shorter remunerative shelf life and are ever harder to control by the individuals at work behind the lens. It’s impossible to know when and for how long a particular image will become successful in the marketplace. Regardless of whether an image becomes important because it happens to strike a chord in the culture at large or because the subject matter is newsworthy, demand for a photograph can arise when least expected. If you’re not prepared to protect your intellectual property—whether it’s negotiating your rights with a client or protecting a work from copyright infringement or piracy once it’s out in the world—chances are very good that you’re selling yourself short.

Steigman’s Maxell shoot had a clear commercial purpose, the impact of which far exceeded anyone’s expectations. When ASMP Life Member Ormond Gigli set up a self-assigned shoot with 41 brightly clad women posing in the windows of a soon-to-be demolished Manhattan brownstone, he wasn’t thinking about much beyond pulling off the shot.

“I had a concept, it was like a happening,” Gigli says of the serendipitous circumstances that gave birth to his defining image. “If someone was to pay me to do it again, I don’t know.



© Ormond Gigli

This page: Ormond Gigli miraculously coordinated the shoot for “Girls in the Windows” in a matter of days. **Opposite page:** Left: Among other uses, Pam Francis’ Ken Lay image was used as a promotional mask for the movie, *The Smartest Guys in the Room*. Right: Leif Skoogfors’ lawsuit over this 1970 image will be a test case for Internet usage limits.

I guess you could do it, but it happened so quickly, it just jelled.”

He had only a few days to secure models, convince the construction foreman to allow them access to the building, borrow a Rolls Royce, get Con Ed to pave over a hole in the sidewalk, and to make the picture before the building came down.

Despite the fact that Gigli already was and would continue to be an internationally successful photographer working with high-profile clients, the result of his 1960 photo session for “Girls in the Windows,” would become the most frequently requested and best-known image of his career. The photograph, which remains popular with collectors, continues to have strong sales and fetches increasingly high prices.

MAINTAINING CONTROL OF YOUR WORK

Similarly, Chuck Rogers, former president of the Atlanta/South

East chapter of ASMP, had no idea that an image from a straightforward editorial assignment would become a defining image. Luckily, he was well aware of how to protect his work when he got the call from *Runner* magazine to cover the 1978 Peachtree Road Race in Atlanta, Georgia. As a matter of course, Rogers' agreement with the magazine stipulated that the photographer retained all rights except for first publication.

"I was a member of ASMP at that time," Rogers recalls. "And I was very aware of photographer's rights, because ASMP made me aware."

The editors liked one image of an exhausted runner at the end of the race so much that they used it for the cover of their December issue. A month later, athletic gear supplier Nike requested use of the image for a poster series. Rogers' image

Begleiter was caught unaware when a media circus erupted over the January 1997 murder of entertainer Bill Cosby's son, Ennis. For Begleiter, understanding the value of a 1987 portrait he had taken of the pair for his 1989 book *Fathers and Sons* meant that he was able to glean a silver lining out of a very tragic situation.

After the news broke, Begleiter was inundated with calls for weeks. Recognizing that negotiating usage rights was not his area of expertise, Begleiter had his studio manager, who had past experience as an actors' agent, handle negotiations in his stead. Having a representative step in was key to managing demand for the image and had the added benefit of conveying the impression that he was as smart about his business as he was about his photography. This did not stop publications



© Pam Frances



© Leif Skoogfors / Corbis

was so popular that the poster went into multiple printings. Five years later, Nike featured the image in an international billboard campaign for the 1984 Olympics.

Throughout his dealings with licensing this image, Rogers' sknowledge served him well. In addition to getting Nike to indemnify him on his lack of a model release, he negotiated a copyright notice to appear as a certain percentage of the final image size. When the 24 x 36 inch poster eventually became a billboard, that ratio meant that his name was large enough to be clearly visible from the highway—even for a driver speeding by at 60 miles an hour. Not only did it protect the use of his photo, it was great publicity for his business.

Not everyone is as savvy about up-front negotiations as Rogers, and the reality is that quick decisions are often needed to meet editorial deadlines. Philadelphia photographer Steven

from trying to muscle him into less-than-favorable deals, however. *Newsweek's* art director wouldn't budge from an exclusive rights agreement to run the image on their cover. Begleiter refused the offer and opted for the cover of a more flexible *Time* magazine. The image ran in many other news outlets—including inside the pages of *Newsweek*.

"*Newsweek* got really mad," says Begleiter. "The AD said I'd never work in this town again, but I figured, they'd never hired me before, so why would they hire me in the future?"

Although Begleiter couldn't put a dollar figure on the earnings from the portrait's brief rise to notoriety, he was able to make down payments on a house and car, and to fund a marketing effort for his business.

Signing a contract doesn't mean that your vigilance can waver, however, as Houston-based photographer Pam Francis



© Chuck Rogers

Above: Chuck Rogers' "Battle of Atlanta" earned his business significant visibility after he negotiated a photo credit as part of the usage rights. This picture is part of the ASMP Collection at George Eastman House.

recently discovered. After the fall of Enron in late 2001, print and TV media pounced on an image she'd taken of CEO Ken Lay that was published in an article in *Continental Airline's* magazine earlier that year. Soon after, she also received interest in the image from a movie production company working on a documentary about the Enron affair, *The Smartest Guys in the Room*. After six months of negotiating, she inked a deal with Jigsaw Productions for the Lay image, as well as several other Enron players she'd shot.

Francis began noticing that her photographs were being used in ways not covered by the contract at the movie's premiere. Masks made from the image for the movie premiere didn't include her credit. Soon after, she discovered the Lay image in an article about Enron—not about the documentary—with a credit line that included Magnolia Pictures. The last straw, however, came when she realized they were selling a poster with her image through a popular Web site. Although she'd agreed to promotional use, the movie's distributors, Magnolia Pictures began selling a poster that included the Lay image. Francis started contacting copyright lawyers

"They took a profitable image and made it into Kleenex," says Francis. "I decided enough is enough. The more the image is used and people associate it with the movie, the less they'll want to use it for *Time* magazine."

Ironically, soon after she started researching her options, Francis happened to have a shoot with Steve Susman, the lawyer who represented Lay in court. She used the opportunity to discuss her case—he's now handling the case for Francis.

PROTECTING YOURSELF ONCE IT'S OUT

Negotiating about an image with a client or media outlet is just half the battle. Once an image is out in the world, if it's good, someone is going to want to use it—possibly without a thought to your bottom line. It was a matter of principle, rather than thought of financial gain, that prompted Corson Hirshfeld to contact a western clothing retailer about a violation of his copyright—he wanted to protect the integrity of an image that had become synonymous with the nonprofit to which he'd donated his services.

Hirshfeld's 1981 image of a line of meticulously posed dancers' legs in rainbow-hued tights, developed in conjunction with graphic designer Dan Bittman, was conceived as a single-season fundraiser for the Cincinnati Ballet Company. The resulting "Rainbow Legs" poster became the ballet company's signature image for several decades and, instead of being limited to a local market, was sold worldwide. Although Hirshfeld retained the copyright to the image, all proceeds from licensing of the image and sales of the poster went to the ballet company.

In the passing years, Hirshfeld encountered occasional knockoffs of his image, but if they didn't have big economic implications, he wouldn't pursue the issue beyond sending a letter of notification.

But when a Cincinnati clothing retailer appropriated the image as the basis for a billboard campaign, Hirshfeld decided to act. Not only did this usage—clearly meant for commercial gain—infringe on his copyright and violate the spirit of his pro-bono arrangement, the billboard also compromised the integrity of the original poster (it featured boots added to the rainbow-hued legs). A communication from the ballet company's lawyers was sufficient warning to make the company

remove the billboards. Despite the fact that they could have made a strong case for copyright violation, neither Hirshfeld nor the ballet company chose to pursue compensation for the unauthorized usage.

“People generally know what they’re doing is wrong, and it’s usually sufficient to send a letter,” says Hirshfeld. “People should be informed and if they persist or if they’ve made a lot of money from the image, that’s a different story. You have to be pragmatic about it. Sometimes you have to look at the balance sheet of potential expense and time on one side and an easy solution on the other and opt for efficiency. Had it been a national or widespread use, however, or if the store had refused to cooperate, I might have taken another tack.”

PULLING OUT THE BIG GUNS

Sometimes all that is needed to protect your work is a cease-and-desist letter to stop an unauthorized use or an invoice to collect a licensing fee. But if the offenders refuse to comply, photographers are faced with the difficult task of deciding whether legal action is warranted. More often than not, it’s a lengthy and expensive process, and not a step to be taken lightly.

Going up against Rupert Murdoch’s News Corporation was not an easy decision for Steven Begleiter, but when the London paper, the *Sun* used his photograph of Bill and Ennis Cosby without permission and without a credit in January 1997, he consulted his lawyer. With representation from a London law firm, he brought a lawsuit against the News Corporation. The case took two months, in part because he needed to find an expert to testify in court on the value of damages. By April, Begleiter had won the case, the News Corporation had to cover his legal fees, which amounted to \$6,000, as well as an undisclosed sum for damages.

After consultations with the ASMP and much deliberation, Pennsylvania-based photographer Leif Skoogfors also decided to take the plunge. During the 2004 presidential campaign, Skoogfors’ 1970 photo of Jane Fonda at a Vietnam War protest rally became a weapon against Democratic candidate John Kerry when it was publicized that Kerry was clearly identifiable in the background of the

image. Because of the controversy, the photo, available through Corbis, was licensed for editorial use about 70 times. While following the story in the news, Skoogfors realized that many conservative, as well as liberal pro-Kerry, Web sites, some well known, others more obscure, were using the image without permission. By August 2005, the image had been stolen more than 500 times. “I’m starting an electronic game,” Skoogfors ruefully quipped, “Grand Theft Photo.”

None of the offenders offered to pay for the use of the image when he contacted them about their violation of his copyright. Some sites would take down the image for a short period of time, then repost it. And some sites went further, providing instructions on how to download the image and illegally remove the copyright watermark.

“Many of these sites believe that private property is sacred,” says Skoogfors, “and they overlook the fact that the first article of the Constitution provides the basis for copyright protection. ... They believe in the right to protect private property, yet they overlook the fact that photographs are private property.”

With the help of the ASMP and a pro-bono intellectual property legal team, Skoogfors is developing a case against the most egregious offenders.

It’s hard to predict if, when, or the degree to which an image will take off. Its notoriety could be fleeting, or, like Steigman and Gigli’s iconic photographs, the image can come to represent an era or define a body of work. Either way, if you want to capitalize on your hard work and vision, you need to recognize and protect the value of your photographs. It’s important to educate yourself about your rights in the marketplace, but above all, it’s vital to know which challenges to take on yourself and when to seek outside assistance.

Sharing information and resources with colleagues is a first step to maintaining control of your work. The ASMP provides many venues to help in this regard, including the new ASMP proAdvice listserv. To ask a question or become a contributor to ASMP proAdvice, visit this link and sign up today <<http://groups.yahoo.com/group/ASMPProAdvice/>>.

Below: Corson Hirshfeld’s “Dancing Legs”, shot for the Cincinnati Ballet, became the ballet’s signature image and is probably Hirshfeld’s most widely-recognized photograph.



© Corson Hirshfeld

[PORTFOLIO]

JOURNEY TO THE



© Forrest McMullin



© Forrest McMullin



© Forrest McMullin

Top: Forest McMullin's view from the roof of Gongkar Chode Monastery in Tibet.

Bottom left: The ASMP contingent poses in front of the Potala Palace in Lhasa, Tibet. Pictured, left to right are Forest McMullin, Ron Gould, Jesus Aranguren, Elie Berkman, Daniel Cox and Tanya Cox. Missing from the picture, but also part of the ASMP crew is David Noyes.

Bottom right: A resident of Tibet's Junpa Village smiles for McMullin.

Opposite page, top: East meets west in this fun-loving group of children David Noyes encountered on the street in Lhasa.

Bottom: Noyes encountered this woman at work in the verdant fields along the Lhasa River.

TOP OF THE WORLD

ASMP MEMBERS TREK TO TIBET



© David Noyes

ASMP members Jesus Aranguren, Elie Berkman, Daniel Cox, Ron Gould, Forest McMullin, and David Noyes formed part of the project “Tibet in the Eyes Of 100 Photographers”, an international contingent invited by the Chinese government to travel to Tibet from June 25 through July 10, 2005.

In addition to the rarely granted access to shoot the magnificent landscapes and traditional and evolving culture of the Tibetan people, ASMP members valued the opportunity to meet and exchange ideas with photographers from around the world. Ron Gould’s comment echoes that of his fellow travelers: “This was a once in a lifetime experience that will stay with me forever.”

An extensive selection of images from the trip, as well as individual accounts of ASMP member experiences are on the ASMP Web site at www.asmp.org/culture/photo_gallery.php. —AB

To get a glimpse of their republic through the eyes of Chinese photographers, visit the Chinese Photographer’s Association (CPA) Gallery, displayed in cooperation with ASMP during PhotoPlus Expo.

To read more about these images and the photographers’ experiences with digital capture visit: www.asmp.org/commerce/business_articles.php. —JW



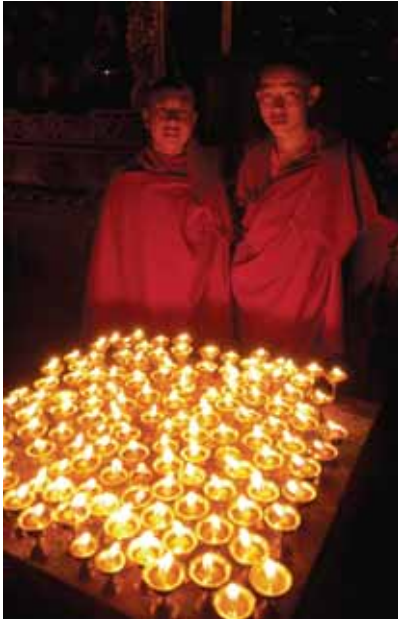
© David Noyes

[PORTFOLIO]

© Elie Berkman



© Daniel Cox



© Daniel Cox





© Jesus Aranguren



© Jesus Aranguren



© Ron Gould



© Ron Gould

Top left: An interior shot of Tibet's Nenyng Chode Monastery by Elie Berkman.

Top middle: Jesus Aranguren found signs of contemporary "customer service" behind the check-out counter at Walmart.

Top right: Aranguren's image of a traditional hand washing basin next to the door of a Hutong room.

Middle left: Two young monks tending their candles pose for Daniel Cox in the darkness of a Mindroling monastery.

Middle right: Gould's panoramic of the Great Wall was made by "stitching" 13 handheld frames into one seamless view using Canon Photostitch software.

Bottom left: Park rangers in charge of protecting the Lhalu Wetlands greet Daniel Cox at the door of their headquarters.

Bottom right: Two women shepherds, who live in tents near the river behind them, pose for Gould in the shadow of a glacier.

**The Right Products.
The Right Prices.
The Right Attitude.**

Service Photo is a relatively small photo dealer that specializes in supplying professional photographers with all types of photo equipment & accessories. Film or digital, we sell only the manufacturer's USA warranted products. Our prices are competitive, and our staff is knowledgeable & friendly. We're a refreshing alternative to large & impersonal mail order suppliers, and better stocked than most local shops. We want to offer our services to all ASMP members, and do whatever it takes to earn your repeat business. Please call us for a price quote, or send an email to Burke@servicephoto.com. Our company president will be glad to answer your questions and return a competitive price quote ASAP. We sell the right stuff - the right way, and we look forward to working with you soon.



SERVICE PHOTO
PROFESSIONAL IMAGING SUPPLIES

3838 FALLS ROAD • BALTIMORE, MD 21211
410-235-6200 • 410-467-9455 FAX • 800-344-3778 ORDERS
WWW.SERVICEPHOTO.COM

**RENTAL DISCOUNTS
FOR ASMP MEMBERS**

WE APPRECIATE YOUR BUSINESS.

Serving the Photo Industry Since 1966

**DIGITAL & FILM CAMERAS
LIGHTING - GRIP - PROPS**

**LENS & REPRO
33 WEST 17TH ST
NY NY 10011
212 675 1900**

MARK H. BARINHOLTZ, P.C.

LAW OFFICES
COPYRIGHT AND RELATED MATTERS

55 West Monroe Street Tel: (312) 977-0121
Chicago, IL 60603 Fax: (312) 977-0733

CONNECTICUT PHOTOGRAPHICS

PHOTOGRAPHIC AND DIGITAL LAB SERVICES

E-6 • Black and White Film
Processing and Custom Prints •
Black and White Proofing • Film
Scans and Output • Digital Prints -
Carbon Pigment Black and White
and Color Pigment - Fuji 4000
1-800-CT-PHOTO • www.ctphoto.com

ALAN KORN

ATTORNEY AT LAW

COPYRIGHT, TRADEMARK, INTELLECTUAL PROPERTY
1840 WOOLSEY STREET
BERKLEY, CALIFORNIA 94703

Tel: 510-548-7300 Email: AAKORN@IGC.ORG
Fax: 510-540-4821 Web: WWW.ALANKORN.COM

ROBERT M. CAVALLO

ATTORNEY AT LAW

400 Park Avenue Tel: 212 753-2224
New York, NY 10022 Fax: 212 753-7113

DAVID MacTAVISH

ATTORNEY AT LAW

COPYRIGHT, ART, AND INTELLECTUAL PROPERTY LAW

8N341 Thomas Road David@MacTavish-Law.com
Maple Park, IL 60151 www.MacTavish-Law.com
Telephone and Fax: 630-365-2613

Do you shoot celebrity photography?

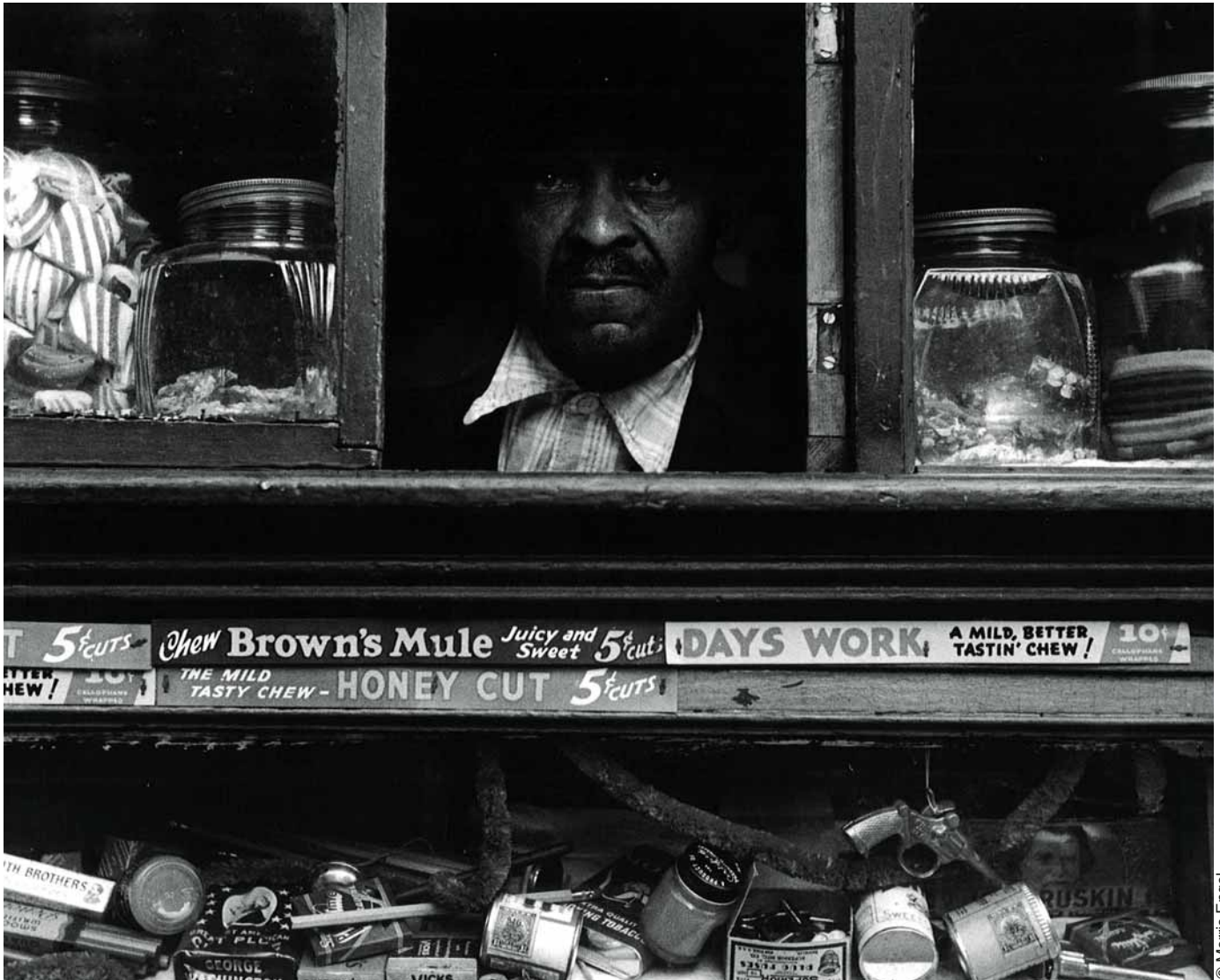
Are you seeking worldwide
syndication of your work?

Founded by Alan Berliner, BEImages
has over 25 years industry experience
and is an agency
run by photographers.

Contact Jeff Sowards at 323-954-8400
or info@beimages.net

FROM THE PRINTED PAGE TO THE SILVER SCREEN

PARTINGSHOT



© Morris Engel

The work of ASMP Life Member Morris Engel's biography is a classic New York story. Engel grew up in the working class neighborhoods of Williamsburg and Coney Island. As a teenager, Engel took courses at the Photo League, where he studied under Berenice Abbott among other influential teachers.

After beginning his professional career as an editorial photographer, he joined the U.S. Navy in 1941, and, as a combat photographer, covered the Normandy landing. At the end of World War II, he returned to his civilian career,

working for magazines such as *PM*, *Fortune* and *Collier's*.

Engel's pioneering 1953 film, *The Little Fugitive*, influenced a generation of independent filmmakers, including French new-wave cineast François Truffaut. Engel made *The Little Fugitive* and subsequent film projects with noted photographer Ruth Orkin, who was also his wife. Engel passed away in March 2005, but he left a rich archive of films and photographs, like this classic example of a Harlem storekeeper pictured above.

—AB

GET NOTICED



© RIKU
ASMP General
Member
rikuanna.com

ASMP. It's *Your* Business.

The premier trade association for publication photographers with a tradition of excellence, a future of opportunity.

FindaPhotographer.org –
The first and finest searchable photographer database.

Coming Soon! FindaPhotograph.org –
An innovative portal to license images on the web.

ASMP/Adobe Initiative – Go to www.asmp.org/adobe.

ASMPProAdvice – A new listserv at www.asmp.org/proadvice.

Visit us at PhotoPlus Expo Booth 874
and see what else ASMP has to offer!



AMERICAN SOCIETY OF
MEDIA PHOTOGRAPHERS

www.asmp.org

OUTSTANDING MEMBERS • OUTSTANDING VALUE • OUTSTANDING RESULTS