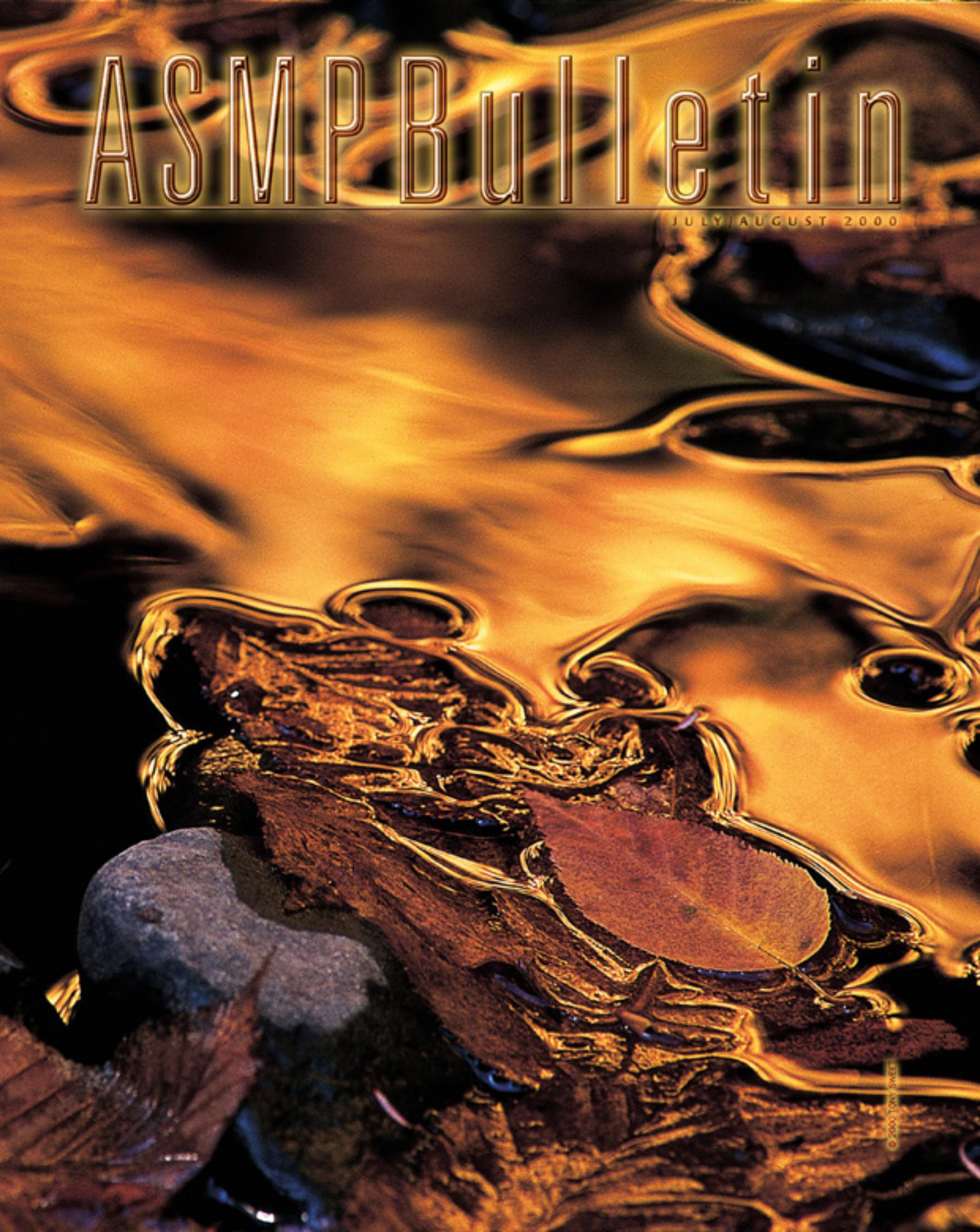


ASMP Bulletin

JULY/AUGUST 2000



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ASMP Bulletin

EDITOR Peter Skinner
PRODUCTION EDITOR Cilla Skinner
DESIGN CONSULTANT Ken Silvia

THE PURPOSE OF ASMP

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

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OUR COVER

Tony Sweet made this image in the Pocono Mountains, Penn. See page 21.

MEETING WITH EP, APA

And we learn more about who we are BY EUGENE MOPSIK

In early June, first vice president Dave Harp and I ventured to Los Angeles to attend an ASMP-sponsored meeting of the heads of various photographic organizations and subscriber lists - EP, APA, PPA, and NPPA. This was part of an attempt to create liaisons that will have a mutual benefit for the groups' memberships and to explore ways to use our combined numbers to advantage. Once again - the first time was in getting to Aspen for the Bradshaw Conference - Dave and I experienced serious problems with our flights; both outgoing and incoming primary flights were canceled and the airline in question was no help in finding alternate transportation. We finally arrived at LAX at 1:30 p.m. on a different carrier. Plenty of time to get from the airport to the hotel for a 3:00 p.m. meeting! Yes, plenty of time if there's a gate for your plane! We embarked on a tour of the out-areas of LAX via airplane for 45 minutes until a gate became available - we logged as many miles on the ground as we had in the air.

We walked into our rented meeting room at precisely 3:05 p.m. and, of course, we were the first to arrive. Ultimately, in attendance along with Dave and me were Jeff Schewe, president of APA, Seth Resnick, president of EP, Paula Lerner, vice president of EP, in addition to a few subscribers/members of EP and APA. The first hour was spent on introductions, talking about our various areas of concern in an effort to seek common ground. We finally centered on the issues involving collective licensing and the tracking of images and usage, and education. We agreed to work toward standardization of business forms for all of our memberships.

A Listserv was established for the various groups to communicate important information easily, and we agreed to meet again at Photoplus Expo East in New York. This was an important first step.

AN 800LB GORILLA

In talking to these leaders and other attendees at Photoplus West, I learned more about ASMP than I did about the other groups. It became evident to Dave and me that our biggest asset was also our biggest liability - our large diverse membership, the backbone of ASMP. The beauty of a subscriber group like EP and a membership group like APA is the singular focus of their lead-

ers and subscriber/members. With a membership composed of advertising, corporate, industrial, editorial, architectural, and underwater shooters, ASMP has been likened to an 800-pound gorilla. We have a 15-person board of directors charged with creating policy and a dedicated staff of nine charged with implementation and fulfillment of member benefits for a membership exceeding 5000. We need to serve all of our members. It became apparent to me that the true strength of ASMP, or for that matter any organization, lies in a motivated membership. Individual action is the key to success. As our executive director, Dick Weisgrau, has said: "Never underestimate the power of one motivated ex-Marine."

The ability of any organization to reach its goals is only partially dependent upon the leadership. If ASMP is to remain vital and achieve success in the areas of collective licensing, legislative advocacy, and Web-based communications and education - our primary areas of concern for this year - we must have an active and concerned membership.

Whenever possible, members must take the opportunity to advance the business of photography. Negotiate fairly and insure adequate compensation for the work and rights delivered. Take the opportunity to educate your clients - help them to understand rights and usage in advance of their needs. Embrace the new technologies as needed and get connected to the Internet. Don't give away your work. EP has shown what a small motivated group can do; but more importantly it has shown the power of the individual in the marketplace. If we as photographers have any power at all, it does not stem from ASMP, legislation, copyright, or collective action; our power is the value of our work. The value of our collective images to industry and everyday life is beyond calculation.

Simply put, our images are our power. When you believe in the value of your work, all else is possible. ∞



Eugene Mopsik
ASMP president
and chairman of the board

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A LEAP OF FAITH

Taking back control of our images

Editor's note: *ASMP general members David Mendelsohn and Joseph Pobereskin wrote the following letter — subsequently signed by an additional 125 of their colleagues — in which they urge photographers to take back control of their stock images. One photographer-friendly possibility, they suggest, is MP©A/MIRA. But they maintain it requires a “leap of faith” to put their images into the MIRA system. This letter outlines their concerns, their hopes, and their willingness to “guarantee world-class content to MP©A/MIRA if the agency will be willing to guarantee world-class promotion of the MIRA (Web) site.” Following this letter is a response from MIRA. Space limitations preclude publishing all the names of the other signatories to the letter.*

Reading through the last few issues of the *ASMP Bulletin*, various other industry publications and in consultations with many, many other photographers worldwide, it's become apparent that the landscape of the stock photography marketplace has changed. Where the landscape was once studded with many independent stock picture agencies - agencies competing for not only the hearts and minds of the buyers of photography but the producers as well- these many agencies have been acquired by and folded into two conglomerates: Corbis and Getty Images.

The once photographer-friendly agencies that have been swallowed by these conglomerates are not our friends any longer, nor are their parent companies. Just look at the rights-grabbing, liability-loading contracts these conglomerates proffer. If we didn't know better we'd think they were our clients! This is a situation that concerns us deeply, as it serves to marginalize our existence and seeks to reduce our artwork to commodity status. Well, our artwork is not a commodity!

Clearly, it's time for the photographers

to take back control of our images and place them with an agency that values them and will license them at fair prices and with the photographers' best interests in mind. This agency, working for the photographers' collective benefit, must also be one that is at least partly owned by photographers (or an entity composed of photographers), can achieve the market penetration of the conglomerates while, at the same time, is not grist for the acquisition mill. Sadly, no such agency exists today.

But hold; it is not lost on us that there is one agency that has the potential to fill this gap. That agency is MP©A and it could be, that as the last photographer-friendly agency, MP©A is the only game in town.

But signing a contract with MP©A (and its partner, MIRA), requires an enormous leap of faith. One quick test-drive of MIRA's Internet Web site ought to be enough to convince anyone that MP©A/MIRA has a long way to go before it can compete on a quality level with the big boys, both in terms of the site's functionality and content. Anyone who doesn't agree is certainly in denial.

Being prone to activism, idealism and an optimism, we've taken that leap. We've signed a contract with MP©A. We feel that this must be successful, that it must be the future, if we're to remain in this business. And we're not the only ones who feel this way. Below our signatures you will find the signatures of 125 photographers, some whom are members of ASMP and some who will gladly join ASMP for access to MP©A.

But improvements need to be made. The MIRA web site is a content disaster. Too much inferior quality imagery that obscures whatever pearls are likely to be lying below the surface. Will an art buyer really have the patience to wade through six screens of trash to find the pearls at the bottom of the barrel?

Will photographers be content to put their life's work on a Web site that, because it is not sufficiently promoted, will not attract the traffic necessary to yield multiple sales on the order of the conglomerates?

We're firmly convinced that the clients will come to where the best images are, and we're fully prepared to put our best images in MP©A/MIRA's hands. MP©A/MIRA cannot survive without us, and we, along with our hopes and dreams, cannot survive without MP©A/MIRA.

The undersigned are willing to channel our future production to MP©A/MIRA. We're willing to stop feeding the giants. We will guarantee world-class content to MP©A/MIRA if the agency will be willing to guarantee world-class promotion of the MIRA site. ∞

DEAR PHOTOGRAPHER,

ASMP and CCC would like to thank those of you who voluntarily came forward to express a commitment to collective licensing for stock photographers. Since both organizations are equally committed to making Mira the best on-line stock alternative for photographers, we are responding jointly. ASMP and CCC are pleased to reply with the positive news that we are currently addressing all of the concerns you expressed, and many efforts have been underway for about six months. Our goal has been to remove all of the obstacles that exist on the Web site and in the image submission process for photographers and photo buyers. By September the following activities will be completed:

- **Launch of a new Mira Web site**

A more competitive Web site will be launched immediately after Labor Day, providing Mira with a new face and offering the photo buyer a user friendly experience at [mira.com]. Some members of ASMP have had the opportunity to see the beta version of the new site. It is on a par with any of our competitors' sites, incorporating the features that buyers, editors and photographers suggested.

- **Editor to review all Mira submissions**

We are pleased to announce that ASMP's board of directors approved the hiring of an editor to edit the existing MPCA collection and future submissions for Mira. Currently, ASMP has contracted the services of an editor who recently served at one of the largest stock agencies. We fully expect to have this person editing MPCA participants' images by early September at the latest. Unfortunately, MPCA's 30 percent share of licensing fees does not allow us to absorb the costs of editing, so there will be an editing fee assessed to defray the costs of the editing service. The exact amount of this fee is undetermined at this time, but it will be truly nominal, particularly when compared to similar fees charged by stock agencies.

- **New and simple way to submit your images to Mira**

The image submission process will be simplified for the photographer, as detailed annotations via use of the Image Assistant software will no longer be required. CCC will annotate images on behalf of the photographer, free of charge. Only raw data will be required upon submission of your images. You will have a range of submission options available to you — you can submit: 1) your 35mm slides with brief descriptive data on the slide mount, 2) a CD of scanned images with an attached Excel spreadsheet (or some office management package) detailing the images and their respective data requirements, or 3) you can continue to use Image Assistant if you are so inclined, Mira will accept the files. This should provide you with the opportunity to submit higher quantities of images to Mira, and hence, increase the size of the overall collection, which is integral to the success of the product. ASMP will roll out a formal announcement regarding this new service when it is actively available in September.

- **Launch of a new marketing campaign**

Overall, the largest message within your letter was the concern over marketing initiatives for the Mira product, and it is one we all share.

While we do agree that the marketing efforts of the past two years were not robust enough to drive the sales revenues everyone desired, marketing alone was not solely responsible for the lack of sales revenue in Mira. The small quantity of images in the archive was also a major contributing factor.

Over the past six months, CCC has invested heavily in market research to better understand the photo buying market, from the perspective of those who have visited the Mira site and those who have not. Over 25 percent of Mira's registered buyers cited a lack of image content and selection as their primary reason for not purchasing from the archive. Mira's registered users are 2,000 strong and represent more than \$70 million in total annual stock image licensing for the year 2000. Of these 2,000 registered photo buyers, 27 percent are considered large photo buyers, spending more than \$75,000 a year on stock image purchases. Forty-two percent of this market alone cited lack of image selection as their reason for not purchasing.

CCC is committed to building the level of promotional activity in conjunction with an increase in the amount and quality of content at the Mira site. We are currently preparing to launch a significant marketing campaign which will take place over the next five months. Highlights of the marketing plan can be seen at the "Members Only" section of [www.asmp.org].

- **Increased participation in Mira**

After January 2001, CCC is willing to commit additional resources to its marketing effort if the Mira archive can be doubled in size from 50,000 images to 100,000 images by January 31, 2001. As the Mira archive grows, so will the marketing efforts and other support/resources allocated to the program. ASMP and CCC ask that all photographers bear in mind the indirect costs and investments which have already been sustained by ASMP and CCC over the years to support Mira. Those expenses are not limited to marketing efforts. Costs also are incurred from sales and research staff, customer service for buyers and photographers, database management, Web site design and development, etc. These investments will continue to grow, and we are committed to the effort.

Given the efforts undertaken by ASMP and CCC, we are asking photographers to make a commitment to Mira by actively participating with content submissions. If the 78 ASMP photographers (of the total 125) who signed the letter contribute an average of 400 images each over a four month period, September through December, approximately 31,000 images can be added to the Mira archive. ASMP and CCC feel that this increased level of participation is attainable, especially as one considers the addition of an editor to the process and the removal of the annotation burden from the photographer.

The success of Mira lies with all of us — ASMP, CCC as well as each and every individual photographer who chooses to participate. One organization or individual alone cannot control the final success of this program. We hope the answers above address your concerns with the program, and we look forward to welcoming your participation in Mira. ∞

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CHARGE WHAT YOU'RE WORTH

Getting top dollar for your photography BY BRAD HERNDON

The last time I looked, no one was twisting my arm behind my back making me sell pictures at a low price. Like other photographers, the price I get for my work depends upon the decisions I make, not the demands placed upon me by photography buyers. We all have the ability to set our prices, and to say no to a sale. With this thought in mind, I'm going to share a few tips that could make your sales figures for photography go up dramatically. Keep in mind, however, that you must follow the instructions.

1. Evaluate your photography. If it's as good, or better, than what you see in the marketplace, then you should be getting top dollar.

2. Determine what's top dollar. The stock software program *fotoQuote* and Jim Pickerell's *Negotiating Stock Photo Prices* both should be in your hands. Believe the prices they quote, and negotiate accordingly. You may be surprised at how cheaply you're now selling your work. For example, a fellow OWAA photographer recently told me about a call from an agency looking for specific picture. His secretary remembered he had just such a shot. After negotiating, he settled on a price both he and the photo buyer were happy with - \$2,900. When's the last time you quoted a picture for \$2,900?

3. Charge a search fee. A search fee, refundable if a purchase is made, will at least pay you a small amount for your time invested in putting a slide submission together. \$50 is a good starting point.

4. Use a delivery memo. If you don't value your work, no one else will. The going price for a lost slide is \$1,500. While no ethical photographer ever wants to make money by having his slides lost, a detailed delivery memo listing all conditions for handling your work gives you the ability to do so if Joe Photobuyer runs 20 of your best shots through the paper shredder.

5. Set a minimum price. Some OWAA camera toters have a minimum of \$100 for one-time use of a slide. Others, \$125, \$200, or more. You should do likewise.

6. Find out who's really calling. If XYZ Corporation from Brownstown (population 3,000), Indiana calls you asking for a picture, you may have a tendency to price your work too low. If XYZ is owned by GM, however, bells should start ringing in your head. A few years back I was called by company I wasn't familiar with. I had the shot they wanted and gave them my celebration price of \$700. They buyer immediately accepted my price, and incredibly,

told me how cheap I was. I investigated and found they were owned by a huge corporation. I easily could have gotten \$1500 for the picture.

7. Consider your time valuable. If you're spending two or three hours putting a slide submission together, and then paying the FedEx charges to send it in, with only the hope of possibly making a \$100 or \$150 sale, then you're not going to be in business very long. Even with a \$50 search fee, it's not a good investment of your time. You would be better off out taking more pictures to sell to better paying markets.

8. Ask for the photo buyer's FedEx account number. Often, they will pay shipping charges. Do this 100 times on standard overnight charges for one year and you have made an extra \$1,700 or so.

9. Don't give an immediate quote over the phone. The photo buyer is prepared when he calls you; you aren't prepared. Get all the specifications, press run, rights granted, etc., then call him back.

10. Don't get angry. OWAA photographers are famous for complaining about low paying markets. Remember that both you and the photo buyer are in business to make money. Negotiate your prices and hold your ground. If everything is handled in a professional manner, all parties should remain on good terms whether a sale is made or not.

Keep in mind photography is supposed to be fun, not a burden. A happy, positive attitude may keep you from buying high blood pressure medicine, one more tip which will make you money. ∞

"Both you
and the photo
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business to
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Negotiate
your prices
hold your
ground."

Brad Herndon of Brownstown, Ind., is a free-lance writer and photographer who specializes in wildlife/nature and product photography. He is a member of the Outdoor Writers Association of America. His work has appeared in a wide variety of publications and magazines. This article first appeared in the journal of OWAA, Outdoors Unlimited (www.owaa.com) April 2000, and is reprinted here with permission.

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YOUR WEB SITE

Avoiding copyright and trademark problems BY ANDREW BERGER

Photographers are increasingly turning to Web sites to market their work. Although the Internet provides photographers with access to buyers world-wide, Web sites may also expose photographers to unanticipated problems. If you choose the wrong domain name, post material on a site that infringes another's trademark or copyright or link to a site that you know contains pirated material, you may be subjected to embarrassing and expensive litigation. The following suggestions can help you avoid this exposure.

DOMAIN NAME SELECTION

You need to choose a domain name that is both distinctive and non-infringing. That will not be easy. Most distinctive names are already registered. But first, here are some naming basics. Domain names are composed of two parts: (i) a descriptive name ending in a "dot," called the second-level domain; and (ii) the suffix following the "dot," called the top-level domain. For instance, the site amazon.com contains the descriptive name or second-level domain, "amazon," and the top level domain, "com." The descriptive name may combine letters, numbers and some typographical symbols (but no apostrophes or spaces).

Three of the seven top-level domains are open to commercial users: com, net and org. The other four (edu, gov, mil and Interactive) are restricted to certain entities. The manager for Internet addresses, the Internet Corporation for Assigned Names and Numbers (ICANN), in response to pressure from business groups, may soon be adding some new top-level domains.

NAMING GUIDELINES

After you have selected a possible name, search the Web site of one of the more than 90 domain name registrars to see if the name is available. If the name is already registered or warehoused by someone else, the search result will list similar names that you may register. For instance, search for the name "Nike," and the registrar will tell you that similar sounding names like "about-nike.com" and "nikebusiness.com" are available. But before you register, keep the following guidelines in mind:

1. If you choose a domain name that is the same or confusingly similar to another's famous or distinctive trademark:

a. You invite litigation under a federal statute called the Anti-Cybersquatting Consumer Protection Act or arbitration under ICANN's dispute resolution policy;

b. You will most likely lose your domain name to the owner of the mark if you selected that name to compete or drain business from another's mark by confusing potential customers about the source or sponsorship of your site. For instance, if your site sells shoes made by a Nike competitor, don't pick the name "nikebusiness.com" since a court is likely to determine you picked that name to draw Nike customers and switch them to your brand; and

c. Even if you do not compete with the mark, you may lose the domain name if you have never conducted business under that name; it is not the name of a person associated with your company; and you try to sell your domain name to the mark for financial gain. For example, Volkswagen was able to take the domain name "VW.net" away from Virtual Works, Inc. since that company had never conducted business under that

domain name, had no trademark or other rights in the initials "VW" and confused Volkswagen customers by using that domain name.

2. If your domain name is also your name, you may be able to continue to use it, even though it is the same as another's famous mark. But the court may set some conditions on your use. Thus, Mr. Uzi Nissan, the owner of a computer business, was permitted to use the domain name

"nissan.com" so long as he did not use his site to display any automobile-related information or advertising and posted a notice on the top of his home page disclaiming affiliation with the Japanese automaker Nissan.

3. You may also be able to use a domain name that is similar to another's trademark so long as your purpose is to criticize the mark's business. For instance, a court refused to shut down a site named "bally-sucks," dedicated to complaints about Bally's fitness business. The court found that a reasonably prudent person would not mistake that site for the official Bally site. Similarly, a court declined to close down a

"Photographers want their Web sites to generate sales not lawsuits. These suggestions may help you achieve that objective."

site called "lucentucks.com" because no consumer would confuse it with a site sponsored by Lucent.

WHAT MAY I PUT ON MY SITE?

Let's assume that you have selected and registered a non-infringing domain name, what can you post on your site? The following questions and answers might help.

1. Q: Do I risk copyright infringement if I scan another's wonderful photograph and post it on my site without first obtaining the consent of the copyright owner?

A: You may. You will need authorization from the copyright owner unless the photograph is in the public domain or you justify your use as "fair use." The public domain are those works not protected by copyright and free for all to use. Copyrighted works fall into the public domain by either the passage of time or the failure to observe copyright formalities. Fair use arises when you use copyrighted material for certain purposes such as criticism, news reporting, teaching, scholarship or research.

Before you conclude that material is in the public domain or protected by fair use, you may want to get some expert help since these are tricky areas.

2. Q: What if one of my Web site subscribers uploads infringing material to my site, what are my responsibilities and obligations?

A: You have a few. To qualify from an exemption to liability under a new federal statute called the Digital Millennium Copyright Act (DMCA), you must: (i) not have known that the material was infringing; (ii) post procedures on your site for victims of copyright infringement to follow to notify you of infringement; and (iii) immediately take down or remove the infringing material on request.

3. Q: May I link to anyone's site?

A: Linking is what the Internet is all about; at the same time, some sites require your permission before you may link to them and some even require a linking agreement.

4. Q: Do I have liability if the site I link to contains infringing material?

A: You may, if you know that the linked site contains such material. For instance, hackers created software which permits users to decrypt and copy data on DVDs. If you link to a site that you know contains this software, you may be liable for furthering or aiding infringement.

5. Q: May I "deep-link" to secondary pages on another's site?

A: Probably so. Commercial sites want visitors to "come in the front door" at the home page. Web sites place most banner ads there and key prices for those ads to the number of hits on the home page. But a recent court decision found that deep linking was not a copyright violation since there was no deception involved in sending a visitor from one site to a secondary page on another.

6. Q: May I use another's trademark in my "meta tags" (a type of HTML code designed to provide machine-readable information to search engines about the contents and display of a Web page)?

A: Not if your purpose is to "hijack" traffic from the mark's site to yours. But if you have a business relationship with the mark, such as act as its authorized distributor, you can indicate that relationship in your meta tags. For instance, the former *Playboy Playmate of the Year*, Terri Welles, was permitted to use the words *playboy* and *playmate* in her meta tags since they fairly described and identified her achievements and relationship with *Playboy*.

7. Q: May I "frame" or create a window on my Web page to view linked-to content on other sites?

A: Probably not. Framers often want the best of both worlds - to link visitors to content on another's site and then frame that content on their window. For instance, a "news aggregator" called Total News took news stories from other newspapers and framed them on its site, placing ads and the Total News logo above the frame. Total

News stopped the practice in response to a suit by publishers who claimed the frames confused users about the origin of the information in the window. To avoid litigation, enter into a framing agreement with the site whose content you want to frame.

8. Q: May search engines key their banner ads to direct viewers to competitors of the site the viewers are seeking to find?

A: Yes, a court recently permitted Excite and Netscape to key their banner ads to pornographic sites whenever visitors used "playboy" or "playmate" in their search requests. The court said there was no evidence that customers would be sufficiently confused over the relationship between *Playboy* and a pornographic site.

9. Q: Is there any problem with the use of "cookies"?

A: Not yet. There are no cases or legislation that presently prohibit the practice of giving a "cookie" to a visitor. But in the "terms and conditions" on your site, you should advise your visitors what personal information you collect, what you do with that information and the procedures you follow to allow visitors to either correct that information or prohibit its collection. Internet privacy is of growing concern, and legislation governing the privacy policies of commercial sites may be in the offing.

10. Q: Who owns my Web site design?

A: If you used a designer, he or she does unless you agreed in writing with the designer to transfer the copyright to you by a signed writing that specifically states the design is a work for hire.

In conclusion, photographers want their Web sites to generate sales not lawsuits. These suggestions may help you achieve that objective. ∞

Andrew Berger is an attorney specializing in intellectual property matters. He is with the New York firm of Tannenbaum Helpern Syracuse & Hirschtritt. Ph: 212-702-3167. E-mail: berger@tanhelp.com.

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ETIQUETTE CHECKLIST

Ask first, then send your portfolio BY ELYSE WEISSBERG

Last month a photographer complained to me that an art buyer had not returned her book. She had waited two weeks before calling the art buyer and, during the third week, left four voice mail messages, none of which was returned. And then she called me for advice. Although the photographer wanted to work with this agency, and did not want to alienate the art buyer, the lack of respect shown to her was upsetting. It bothered me too, until I learned more about the situation.

Apparently she had called the art buyer to qualify her as a potential client, asking if she hired photographers and how often jobs were assigned. Deciding that this particular art buyer was a good prospect, the photographer put her on an "A" list which, after further research, grew to 25 names. Then, without calling first, photographer sent her portfolio to the first name on the list and waited for a response. I explained that she had not followed industry etiquette.

Not long after, I had a similar experience. A photographer left two voice messages, saying he wanted his black and white prints returned. I would have called him back - had he left a phone number. Neither did I know who he was, nor remember getting the prints. But it was obvious from his voice in the second message that he was

angry. The third time he called I was there and spoke with him. He then told me he had sent the photos because he wanted some free advice! My advice was that it was

"If there is one basic element of good business etiquette it is this: Never send anything to a client that you expect to get back, without their permission first."

unprofessional to send prints that he expected back without asking me first.

If there is one basic element of good business etiquette it is this: Never send anything to a client that you expect to get back, without their permission first. Quite simply, it is not good manners. People have a hard enough time dealing with the portfolios that they request. Before you send your portfolio to a client, be sure they know it is coming.

Other examples of using proper etiquette are:

- If you are sending an unrequested portfolio to a client, be prepared to pay the shipping both ways. It's a good idea to include a pre-paid

shipping form filled in with your return information. This will make simplify returning your portfolio.

- If you drop off your portfolio with an art buyer, don't expect them to show it around the agency. You are dropping it off for them. They are not your rep, and it is not their job to get it to other people in that office. However, you could call another art buyer in the agency to determine their interest in seeing your book. Simply tell them that it is already there. A polite suggestion that they can see the portfolio by going to their co-worker's office could save a lot of time and shipping costs. This approach has worked for me many times.

- Wait two days before calling after a "cold call drop off." This is dropping off your portfolio for an art director/art buyer to look at when there is no apparent job; or it may be an updated version of your book, or the first time they are seeing it. An art buyer may be busy producing a job when your book arrives. Give them time to look at it. Leave a voice mail message with your name and number.

- If you are on an appointment in an agency, don't "drop by" an art buyers/art director's office. It's not fair to catch them off guard. If you want to see if they are available, leave them a voice mail message that you will be in the agency tomorrow on an appointment and will call them from the receptionist to see if you can come by to show them new work or just to say hello.

- On the set or location, keep a professional manner. And do not get personal on

a shoot. I know of a photographer who asked an art director about his wife. Apparently, the art director had told him in confidence that they were having problems. The art director responded that he was getting a divorce. It put a major damper on the shoot. The clients and account people were there and the situation became very uncomfortable. That kind of conversation, as well intentioned as it might be, is for another place, not on the shoot.

- If you call an agent and you get their voice mail, tell them you are a photographer looking for a rep. It is not fair to call an agent and leave your name and number without the reason you are calling. Yes, they will call you back quickly, but they may think you are an art director in a rush to get a portfolio. You are misleading them. Why not wait for a time that is comfortable for them to talk.

Etiquette and using common sense go hand in hand. You are a valuable supplier in our industry, but since there are many photographers available, using good etiquette will make you more professional. ∞

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

INTERNET PIRACY: MUSICIANS AND PHOTOGRAPHERS SHARE CONCERNS

Unauthorized use of images downloaded from the Internet is a major concern to all photographers who have work on the Web. You are not alone. The music industry is faced with the loss of billions of dollars and the opening sentence to a major story on the subject in *The Wall Street Journal* sums it up pretty well: "Like techno-termites, computer users who swap free recordings over the Internet are gnawing at the foundations of the music industry." In a bid to educate music fans, the Recording Industry Association of America, RIAA, is launching a PR and advertising blitz to dissuade people from downloading free music from the Web. The record labels are trying to persuade fans to buy authorized digital downloads from the record companies' own Internet services. According to *The Journal*, that market alone could be worth \$3.2 billion by 2005. One of the RIAA's goals is to educate people that everything on the Internet is not necessarily free. Sound familiar? ∞

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THE SERVICE COMPONENT

An essential in creating and selling value BY SELINA OPPENHEIM

In today's marketplace the term supply and demand has never meant more. Clients have tremendous options for meeting their visual needs. Not only are there more and more photographers

entering the market daily, but the volume of existing imagery is immense. Clients can, and do, demand a lot. To compete effectively, assignment photographers need to clearly define and market the visual as well as the

service value that they bring to a client's project.

The positioning statement discussed in my previous article for the ASMP Bulletin (May 2000) is your first step in creating the visual value that you bring to a client's project. In addition to visual value you need to remember that we are in a service industry, and your commitment to servicing your client can be the difference between a successful career and one that fails.

You need to establish your own service philosophy. Whether you are an established pro or just beginning your career, a thorough examination of your current servicing goals is in order. Don't assume that you have this one down cold. Start by listing the different opportunities for service. Below are three areas that every talent can examine.

PORTFOLIO VISITS

When was the last time you actually went on one? Do you ask your contacts to show you examples of campaigns or projects that they recently completed? Viewing a contact's completed assignment gives you plenty of information about them. Who does your contact work with? How do they use photography in the overall concept? This information is key. It's an opportunity to find out what a contact's needs are, who they are as a creative, and how they design.

If you identify yourself as a supplier interested in a client's needs before a purchase order is a reality, you are distinguishing yourself as a supplier who truly cares about helping clients win. And that identifies you as a supplier who brings value to the project. If you have a rep, make sure your rep supports your service philosophy of asking questions. They are your ambassadors to the world. If your service philosophies are different, your message is inconsistent.

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PRICING AND QUOTING ASSIGNMENTS

Obviously, you need to ask all the questions pertinent to producing an accurate and fair price. You need to establish and consistently follow professional business practices.

I remember the words of Edith Leonian years ago in 1979 when she was teaching me copyright law. The law had just changed, and as a fledgling rep from a small town I was eager to learn about the new responsibilities and options open to photographers. Edith (then president of SPAR) graciously spent much time answering my questions and priming me on the law. Her last words still ring loudly in my ears: "The client is not the enemy. We have new opportunities and new responsibilities and it is your job to help to educate your clients because after all, that is good service, and good service is good business. Legal business and good business are not exclusive."

While I went to Edith for information about the law, I came away with the lesson that understanding my professional responsibilities and consistently following them, were a way of servicing clients. Clearly, there is great value in providing clear, consistent pricing and usage guidelines for your clients and in educating those clients who are new to the concepts you are trying to explain.

In addition to asking the appropriate pricing questions, do you also ask clients, "What is the purpose here, who are we talking to and what are we trying to communicate?" This was always the first question I would ask as a rep. Unless the contact had already covered this specifically, I wanted to know the most important factors. The audience and the message. After all my job was to help my client to do their jobs well.

For many photographers the most important factor is not the message and the audience, it's the usage of the shot. A photographer who asks about the audience and message and incorporates that information into the shot, is a visual team player- more value once again. By the way, a stock photo or clip disc can't ask these questions.

LISTENING AND BEING PRESENT

Listening well is key. In day-to-day life, most people feel that they are not heard by others. Being a good listener, being present and focused on a conversation with a client requires little more than concentrated energy and delivers much value. Let your client know that they are important to you. Make sure they know that they have been heard. Repeat info back to them. Be present at all times. We live in a day and age where multi-tasking is a way of life. Don't let it be your way when working with clients. Don't take phone calls when you are in a meeting with them. Shut your cell phone off during shoots and focus on the task at hand. Deliver projects on time, on budget, on message.

Live the fact that clients are important to you. The commitment to your client, to their needs, is one of the most important changes that you can make in your business. It will surely build value, not just for your clients, but for you as well. Do it now. Do it tomorrow. Do it forever. ∞

Selina Oppenheim, *president of Port Authority, a consulting firm committed to creating and facilitating strategic programs for clients, was one of the first consultants for visual professionals in the country. She has been consulting with photographers, graphic designers, and illustrators for over 20 years. For more information about Port Authority or this article [www.1portauthority.com] or Ph: 617-350-0116.*

OurCover

Running water and fall colors are the ideal ingredients for eye-catching images and nature specialist Tony Sweet saw, and captured on film, the golden beauty of this scene in the Delaware Water Gap in Pennsylvania's Pocono Mountains.

Sweet, who is based in Baltimore, Maryland, was teaching a workshop (Art of Nature Photography Workshops) when he and his students came across this idyllic waterway.

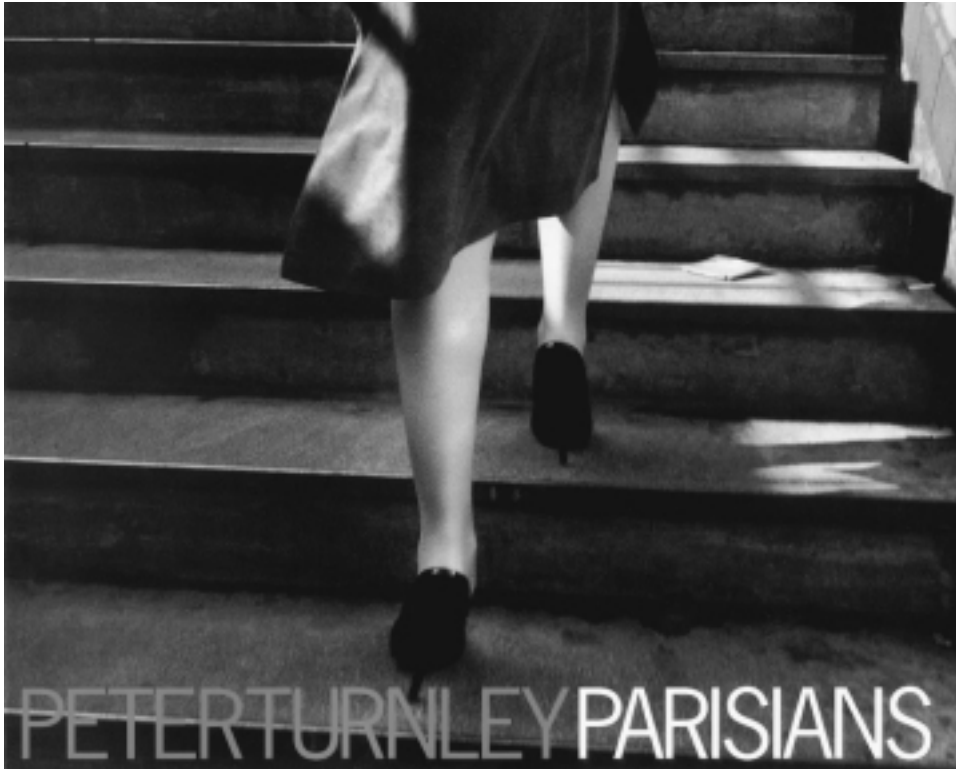
He used Velvia film with an 81C warming filter, a slow shutter speed in the 1/8 sec. to 1/15 sec. range, an aperture of f4, and a Nikon F4 with a 35-70mm lens mounted on a tripod to create the image.

Sweet, who joined ASMP fairly recently, specializes in fine art and stock photography and much of his work is used by card and calendar companies. His work has been influenced by several leading nature/wildlife practitioners including Pat O'Hara, John Shaw, Freeman Patterson and Art Wolfe. Sweet is represented by agencies in the U.S., United Kingdom and Japan.

For more of Sweet's work: [www.tonysweetphotography.com]. ∞

PETER TURNLEY: *PARISIANS*

His beat: the world; his home: Paris BY PETER SKINNER



Photographs by Peter Turnley

Forewords by Edouard Boubat and Robert Doisneau

Text by Adam Gopnik and Peter Turnley

Abbeville Press; 168 pages; 160 duotone photographs; cloth; \$50

ISBN: 0-7892-0650-1; 1-800-ARTBOOK

Amazon.com and Barnesandnoble.com.

An exhibit of images from the book will be held at: The Leica Gallery, 670 Broadway, Suite 500, New York City, September 6-30.

Photojournalist Peter Turnley tells a great story about his early attempts at mastering the French language, a necessity if he were to make Paris his home. He yearned to drop in and chat with the patrons of a café he walked by daily. So he practiced ordering a beer in French. “Monsieur, je voudrais une bière.” (“Sir, I’d like a beer.”) Before entering the establishment he repeated the line at least five times and then strode in. Brimming

with confidence he came out with, “Monsieur, je m’appelle bière.” (“Sir, my name is beer.”) Amid the howls of patrons’ laughter, the bartender said calmly, “So, Mr. Beer, what would you like?”

That was some 25 years ago. Turnley, a graduate of the University of Michigan, had arrived in Paris, aged 19 and eager to learn about the city and its people, for his future career — he graduated from the Sorbonne of Paris, and the Institut d’Etudes Politiques of Paris — and

immersed himself in the city’s culture.

In the ensuing years, the name Turnley, through Peter and his twin brother David, a Pulitzer Prize-winning photojournalist, has become synonymous with riveting images of human conflict and social upheaval in many countries. Virtually every major international magazine has featured graphic photographs created by the Turnleys as they focused their discerning eyes and sensitivity on horrific scenes resulting from war or famine or natural disaster worldwide.

But for Peter Turnley, there was always the solace of returning to Paris, the city he has called home now for 25 years and where he can now confidently order anything on any menu in any restaurant or café without fear of repeating his first memorable gaffe.

Turnley’s adopted city is the subject of his latest book, *PARISIANS*, a superb collection of images that portray anyone living in Paris. Paris is, and has been, Turnley’s refuge from the hectic pace of a globe-trotting career. He writes in the book’s opening, *Affair of the Heart*: “Travel has been my way of life for many years now. As a contract photographer for *Newsweek* during the last seventeen years, I’ve worked in more than eighty-five countries, speeding to almost every war, revolution, natural disaster, famine, and genocidal conflict. Trying to communicate the human dimension of world events has exposed my sense of inner peace to countless horrors. The one constant in this often

wrenching and frenetic existence has been that I always return to Paris, and the city is always key to my recovery. The elegance and warmth of the Parisian *art de vivre* has always offered a soft landing from painful experiences my heart might prefer to reject.

“Having lived most of the past two decades far from my immediate family, I’ve found a sense of family spirit at many of my Parisian haunts. In particular, I’ve been able to count on the warm and human ambiance of the Brasserie de l’Isle Saint-Louis. This restaurant, and life in several Paris cafés, is the subject of many of the photographs that follow.

“Many of the people who have contributed to the life of this city weren’t born here, and so the ‘Parisians’ of my title encompass anyone living in Paris.”

Turnley’s *Affair of the Heart* opening to the book recounts his early days in Paris and prior; how his interest in photography was started and nurtured; the influence of people such as Henri Cartier-Bresson, Atget, Brassai, Izzis, and Kertész; his photographic and political studies in Paris; and his meeting with two of the people who became sources of inspiration and close friends: Robert Doisneau and Edouard Boubat whom he first “discovered” in *The Family of Man*, the book that became his bible of photography.

Turnley, whose international credits and awards testify to the esteem in which his work is held, has the rare ability to capture the most poignant moments in life, and that ability comes shining through in *PARISIANS*, a book that is sure to satisfy the subjects themselves as well as those who have ever visited, or hope to visit, Paris. ∞



Stade de France, World Cup final, 1998

© PETER TURNLEY

FOREWORDS

The words of two legendary photographers Robert Doisneau and Edouard Boubat, as much as the pictures themselves, speak to the way in which Turnley has portrayed the essence of Paris and its people.

Peter Turnley is one of those rare and precious Americans who take their pleasure by melting into the soul of Paris street life. Among those I have met as I worked the city, some have become true beaujolais believers, no longer able to regard Parisians as a half-hearted or decadent people. For any photographer and for all who can read images Peter’s work displays a brotherly tenderness for my fellow citizens. Thus, I have the feeling that an accomplice has arrived from the opposite Atlantic shore, ready to disobey the rules, just as I do. So how else other than in sincere friendship can we welcome this American?

- Robert Doisneau, Paris, 1983

Peter, your métier is to be sent afar and your chance is to seize what is offered, always searching beyond what is required. Photography accompanies your life. A photo is waiting for you at the entrance to the métro... You see the tragedies, refugees, suffering, and you also know how to see a sudden light that sparkles faces, a bistro, a glass of friendship. Most of all we shouldn’t forget that which is intangible, all that is not said by our photos, our words, but that illuminates our encounters. Your vision.

- Edouard Boubat, Paris, 1994

Chicago Blues: As Seen from the Inside

Photographs by Raeburn Flerlage
Edited by Lisa Day - ECW Press
156 pages; soft; B/W; \$22.95
ISBN: 1-55022-400-X

Flerlage has been associated with music all his life and he has been an active blues photographer from the late '50s. The thoroughness in which he immersed himself in the Chicago blues scene shines through in this collection of exclusive pictures which capture the passion, adoration, and camaraderie that artists and fans felt during this important period in blues history. When he was asked to photograph Memphis Slim in 1959, Flerlage began a career that would produce some of the most fascinating and important photos ever taken of blues musicians. Lisa Day has edited numerous television and feature films, many of which focus on music and musicians. This is a must-have for blues fans.

The Big Picture

by Lou Jacobs Jr.

Writer's Digest Books, 222 pages;
\$17.99; ISBN: 0-89879-969-4

This nuts and bolts business book is aptly sub-titled *The Professional Photographer's Guide to Rights, Rates & Negotiation*, and contains a storehouse of valuable information on the business of business. Jacobs, a past president of ASMP, has tapped the Society, its members and staff as a resource and interspersed throughout are Q & A sections with people such as ASMP director of education, Bruce Blank; members Suzenna Kredenser, Will and Deni McIntyre, Nick Vedros, Rick Barnes, Stephen Cohen, J.W. Burkey, Leif Skoogfors and Morton Beebe; and consultant Elyse Weissberg, a columnist for the ASMP Bulletin. Each chapter - organized by photo market category - blends how-to information

with the insights and advice of these established professionals. And on the subject of ASMP: Jacobs has included a paragraph dispelling the myth of "ASMP rates" pointing out why they don't exist and never can.

Tractor-Trailer-Trucker

A Powerful Truck Book
by Joyce Slayton Mitchell
photographs by Steven Borns
Tricycle Press
40 pages; hard; color; \$14.95
ISBN: 1-58246-010-8

Photojournalist and magazine photographer Steven Borns loves to drive but for this project he was a passenger, traveling 6,703 miles through 27 states alongside trucker Ken Blair. The result are images which complement the text of Slayton Mitchell (who has watched big trucks come and go all her life in her home state of Vermont) as the photographer follows the trucker's daily routine from checking under the hood and hook-up to loading and getting underway. A guide to trucker talk and a glossary of technical terms makes this a perfect book for truck enthusiasts of all ages. Numerous detail shots, including a close-up of Blair's cowboy boots as he checks the air brakes, help take the viewer into the trucker's environment.

Composition Techniques from a Master Photographer

by Ernst Wildi
Amherst Media
128 pages; color; paper; \$29.95
ISBN: 1-58428-024-7

Wildi, one of the most respected members of the profession, uses his years of experience and striking images to show how stunning photographs can be created consistently. The book covers every aspect of composition for photographs of people, landscapes, architecture and other subjects. Esthetics, guidelines, equipment

and films receive thorough discussion. Also from the same author, well known for his long association with Hasselblad, is the *Fifth Edition of the Hasselblad Manual (Hardcover, 380 pages)* which can be regarded as the bible of Hasselblad equipment. Even readers of earlier manuals will find new information in the latest edition.

SIDE-BY-SIDE

A Photographic History of American Women in War
by Vickie Lewis
Foreword by Gordon R. Sullivan, General, U.S. Army (Ret.),
Introduction by Wilma L. Vaught, Brigadier General, U.S. Air Force (Ret.), Stewart, Tabori & Chang
160 pages; hard; color and duotone; \$29.95

This book highlights the strength and courage of women in military service through poignant photographs and personal narratives, offering a new perspective of American history. Author Vickie Lewis, a Pulitzer Prize-nominated documentary photographer, was given unprecedented access to the archive of the Women In Military Service for America Foundation. Lewis, a co-president of ASMP's Capital Region chapter, has drawn on hundreds of personal interviews and historical journal entries for her text. Lewis's images have been published in such publications as *People*, *The New York Times*, *National Geographic World*, and *Washington Post Magazine*.

I DREAM ALASKA

by Natalie Fobes
Alaska Northwest Books, 96 pages
\$16.95, ISBN 0-88240-501-2

This is a small format book with a large visual and literary punch. Fobes discusses people and places in a forthright, eloquent style, based on 15 years of trips to Alaska. And the muted-color photographs, made by the Polaroid

transfer process, give the book a unique and charming ambiance. *Dream Alaska* is divided into "Sea" and "Land" sections; the layout is sophisticated but not fussy. This would be an outstanding gift for anybody on any list. *Lou Jacobs Jr.*

AMERICA, AMERICA: On the Brink of the Millennium

text by Robin Magowan
photographs by Sonja Bullaty and Angelo Lomeo
Abbeville Press
216 pages; cloth; color; \$45
ISBN: 0-7892-0539-0

The pristine glaciers at Prince William Sound, Alaska; the dazzling lights of the Strip in Las Vegas; a Navajo woman in front of a hogan in Monument Valley, Arizona; and a solitary buffalo in Yellowstone National Park. These disparate images, together, create the vibrant patchwork of the past half-century in America. They are among the 170 full-color pictures showcased in this latest offering from celebrated husband-and-wife photography team of Sonja Bullaty and Angelo Lomeo. Following the success of their acclaimed European trilogy published by Abbeville Press - *Provence, Tuscany, and Venice and the Veneto* - the photographers have created a stunning visual memoir of America's recent past and present. Robin Magowan is the author of six books, including, most recently his autobiography, *Memoirs of a Minotaur*.

SoHo New York

photographs by Steve Kahn
(www.stevekahn.com)
introduction by Eric Nash
Rizzoli International Publications
144 pages; color and halftone; \$35
ISBN: 0-8478-2156-0

SoHo New York offers an unparalleled photographic portrait of a unique urban neighborhood. Gifted photographer and long-time SoHo resident, Steve Kahn

captures the artistic spirit and lively commercial activity of this district with 150 color photographs of street scenes and details both traditional and contemporary. An introduction by Eric Nash and brief texts sketch the background of SoHo's sophisticated art scene, landmark architecture, creative retailers, and innovative restaurants. The book is a delight for residents and visitors alike.

Children of Belfast: Reclaiming Their Place Among the Stones

by Tom Quinn Kumpf
(www.tomkumpf.com)
Devenish Press
104 pages; duotone; paper; \$19.95
ISBN: 0-9670235-0-5

This is a compelling and uplifting combination of documentary photographs and essays about *The Troubles* in Ireland and the impact they've had on the children growing up in a time of violence. The book provides non-sectarian insight into *The Troubles* and the children photographed and interviewed, both Protestant and Catholic, are real, their stories genuine and heartfelt and their portraits resonate with feeling and resilience. The author, a Vietnam veteran who has written and photographed numerous award-winning documentaries, has, in the words of one reviewer, "got under the skin of Ireland and its people."

Springsteen: Access all areas

by Lynn Goldsmith
Universe Publishing
128 pages; duotone; paper; \$19.95
ISBN: 0-7893-0392-2

Goldsmith, a multi-awarded portrait photographer whose work has appeared on an between the covers of *Rolling Stone*, *Newsweek*, *Time*, *LIFE*, *Sports Illustrated* and *Us*, has photographed subjects as varied as rock stars to the man-in-the-street. In this book her 150 images chronicle one of the most memorable times in Bruce Springsteen's remarkable career: the famed 1978 tour *Darkness on the Edge of Town*.

Goldsmith captures all the behind-the-scenes camaraderie and on-stage action producing a unique celebration of The Boss and the E Street band.

Photojournalism The Professionals Approach

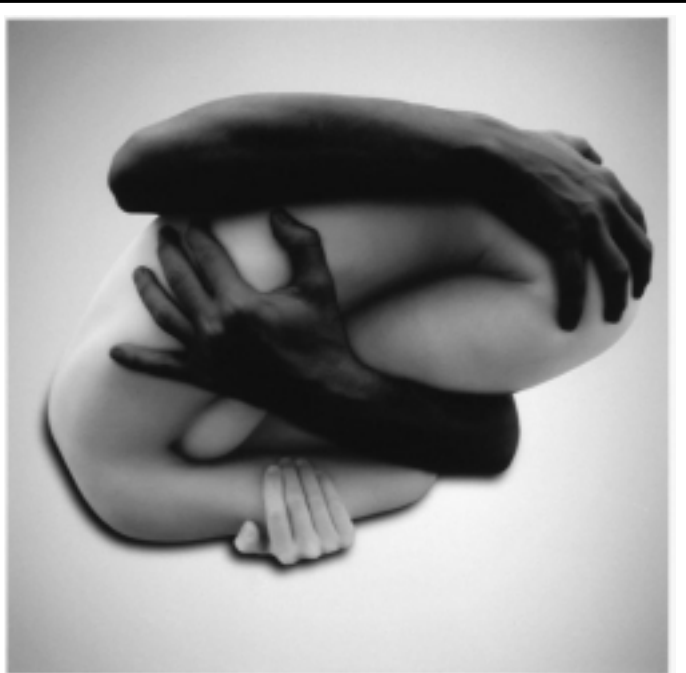
Fourth Edition
by Kenneth Kobre
Focal Press
376 pages; color and b&w; \$49.95
ISBN: 0-240-80415-5

From hard news, features, and sports to photo illustrations and the picture story, Kobre's in-depth case studies in this comprehensive guide take readers along with working photographers as they meet on-the-job challenges. Dealt with chapter by chapter are topics such as equipment and digital imaging to law and ethics. The updated edition features new material on covering issues, finding feature pictures and examples of the best in U.S. photojournalism - nearly 200 new photos. Kobre is director of photojournalism sequence at San Francisco State University and freelances extensively for magazines and newspapers.

TIMES SQUARE: Celebrating the New Millennium

by Cosimo Scianna
Madison Square Press
192 pages; color; hard; \$40
ISBN: 0-942604-72-5

With his painter's eye for detail and the graphic designer's flair for conquering the one-dimensional space, director/cameraman/designer Cosimo Scianna has created a spectacular overview of the redesign and beautification of Times Square, "The Crossroads of the World." Bold, graphic colors and sweeping images portray the resurrection of one of the most visually exciting (and most photographed) places in the world. It's a subject Cosimo never tires of: "Though I've traveled around the world, I always miss New York," he says. "And Times Square is the epitome of what people think of New York."



BODY KNOTS

Photographs by Howard Schatz
Rizzoli International Publications
144 pages; hard; color; \$50
ISBN: 0-8478-2250-8

The provocative photographs in this latest book from the creative and original mind and vision of Howard Schatz dazzle the viewer with vibrant color and tone and clever technique. The images are sometimes witty, sometimes glamorous, and sometimes strange, yet are consistently captivating, compelling and fun. Under Schatz's brilliant eye, the human body, so intimately known to us, is twisted and turned into shapes and contortions almost unimaginable. In this, his tenth book, Schatz creates a riveting new take on a deceptively simple subject.

Friends & Neighbors Annapolis Portraits

by Marion E. Warren
Chesapeake Images
64 pages; b&w

This collection of images by one of the most prolific photographers in the Annapolis, Maryland, area, is produced in a catalog in conjunction with an exhibit of the same title. Editor/writer, Mike Mirion, says in the preface that Marion Warren and Annapolis are synonymous (he could have added Marion's wife

and work partner Mary in that apt description) and this particular portrait project, which began in 1996, is a wonderful assembly of personal pictures. In a career that began in the 1940s, Warren has photographed for most of the major magazines such as *Time*, *LIFE*, *National Geographic* et al, and has produced several books and major exhibits. Personal work like this is something which most photographers probably have in their mind's eye. Marion Warren has converted the mental image to reality.

NewsLines

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

A GAME CHANGER

Analyzing the new *Business Week* contract (Editor's note: *The following is a brief excerpt from a comprehensive analysis of the Business Week contract by executive director Richard Weisgrau which has been posted in News/Events - Special Announcements on www.asmp.org*)

The newly issued *Business Week* (BW) contract, like almost every publisher's contract that ASMP has seen over the years, causes ASMP to have some relief, some concerns, and additionally, some uncertainties.

ASMP could, as with most contracts, pick the BW agreement apart word by word. We see no need to do that. BW and particularly Larry Lippmann (photo editor) have been forthright in the past about their intentions and decisions. While we have chosen to both agree and disagree with them, ASMP has never thought nor been inclined to think that they would operate in a deceptive manner. ASMP respects both parties.

This particular agreement is a game changer for two reasons: 1) it actually provides for greater fees in the process of acquiring more rights, and 2) departs from the editorial norm by acquiring an extensive bundle of rights for a single, paid up front fee. At first glance, it appears that BW has doubled the day rate it pays, but closer examination indicates that the contract, while possibly paying more for the previous base package of rights, is actually redistributing the aggregate of fees it has paid in the past.

Since ASMP does not have the kind of financial data required, it can only make what it considers to be reasonable assumptions about the financial aspects. We do know that, in the past, BW has purchased all the rights it now acquires in the new contract. It was spending money for these rights before, and it continues to do so, albeit in a different manner.

In the past, a photographer had to

or had the opportunity to negotiate additional fees for certain additional uses. Under the new contract, that is not possible. These previously negotiable uses are now included as part of an increased base fee. In many ways, this resembles what has been going on in the corporate and advertising worlds for a long time. There, photographers sell a package of rights to the client for single fee. Some of those rights may never be exercised, but the client has them available. Is this good or bad for photographers? It seems like it is both.

ASMP can only reiterate its comment that this contract is a game changer. Editorial photography at BW is not the same old game. The rules have changed and so have the rewards.

The ASMP analysis delves into areas of the agreement which include works covered, terms, and rates. It concluded by commending the work of EP and BW in trying to find new ways to solve old problems.

TIB HAS MILLIONS OF UNRETURNED IMAGES

If stock photographers treat their images as caring parents treat their children, as in: "Do you know where your children are right now?" then scrutiny of The Image Bank is going to cause serious angst. A *PDNewswire* article by David Walker reveals that TIB, now owned by Getty Images, has millions of images warehoused in a huge backlog awaiting return to photographers. The article highlights the TIB settlement for lost images with photographer Charles Mason (amount undisclosed) and then delves into the situation of millions of images - dupes and originals - being stockpiled. Apparently, returns from TIB offices around the world poured into the head office after the agency began dropping photographers, especially in the mid-1990s. The article says that Getty Images,

TIB's parent company, claims it is taking steps to solve the problem. See the article on-line at: [http://www.pdn-pix.com/news2/arts_0700/art1.html].

VETERAN JOURNO TO WRITE FOR HEARST

No doubt many ASMP members have crossed paths with veteran White House correspondent Helen Thomas, 79, who was with UPI for 57 years. The highly respected journalist quit UPI the day after it was sold to News World Communications Inc. and will write two columns a week for Hearst's newspapers. (Source: *The Wall Street Journal*.)

ON-LINE PUBLISHING: IS IT FOR YOU?

On demand and on-line publishing sounds full of potential but the jury is still out on its ultimate benefit to authors. True, Stephen King's *Riding the Bullet* e-book sold like hot cakes but such success is not the norm. The e-publishing industry is still young and it does offer authors - writers and photographers - the opportunity to publish works that might not make it into print through traditional methods. Two such publishers are iUniverse.com and MightyWords.com but aspiring authors should not expect instant or huge overnight returns.

EXCESS BAGGAGE; LOST LUGGAGE - IT'S BAD NEWS

Photographers have long been battling the problems of excess luggage restrictions by airlines and previous issues of the *Bulletin* have included articles on that topic. But a recent feature in *The Wall Street Journal* highlights something most of us have experienced at one time or another: airlines lose luggage, and the rate is increasing. The main problem is that passenger traffic has increased by leaps and bounds and while air-

lines have improved logistics in numerous areas to cope with more people, luggage is being handled by antiquated methods. The end result: mishandling of luggage is on the rise. According to *The Journal* story, airlines do not use tracking systems that companies such as FedEx do, so they do not have any idea where bags are en route. The article also offered tips on how to "improve the survival chances for your luggage." These included: putting your name inside the bag; save receipts on items that will travel to improve claiming for lost items; don't attach your name tag to a bag handle - the handle comes off, your tag with it; buy sturdy luggage; don't pack cameras and other valuables in checked luggage; double-check the tag before the bag goes down the chute (you could be headed to Heathrow, your bag goes to Gatwick - agents do make mistakes on such things); check in early.

And how many bags are never reunited with their owners? Last year, reports *The Journal*, 30,000 lost bags were auctioned off. Unclaimed bags will be opened and airlines personnel search for identification to find owners, hence the importance of having ID inside the bag.

DIGITAL IMAGING TO BE 45 PERCENT OF FUTURE KODAK REVENUE

Kodak CEO Daniel Carp has told institutional investors that the company expects digital imaging to generate 45 percent of Kodak's annual revenue by 2005. Digital products and services now account for about \$2.32 or 17 percent of the company's \$14.1 billion in revenue. *The Wall Street Journal* item on the subject said that although traditional silver-halide film sales at Kodak have been strong in recent quarters amid a boom in picture taking, investors are concerned with the future of that business and how it will be affected by digital imaging.

ASMP offers to help NGW with new, "unrealistic" contract

While ASMP is recommending that photographers refuse the new contract being offered by *National Geographic World*, saying it is "unrealistic in the current marketplace," the Society has also offered to help the magazine draft a more equitable version.

In a letter to *National Geographic World*, executive director Richard Weisgrau said that ASMP was alarmed and amazed by the contract for a number of reasons. (Editor's note: *The full text of Weisgrau's letter can be seen under Special Announcements at News/Events www.asmp.org but its key points center around the complexity, administration of rights, and fee structure in the NGW contract.*)

He told *NGW* that the contract immediately stood out as one which is difficult to read, understand and follow with some clauses requiring laborious study to grasp the full intent and meaning.

Weisgrau also said that the contract's approach to the administration of rights is redundant by exacting rights both by contractual provision and later by work-for-hire or copyright assignment. "The reassignment of copyright to the photographer after the ninety day 'conflict' period adds additional and unnecessary complexity to what other publishers do by means of a simple 'embargo' period during which the publication has initial, sole and exclusive rights for limited duration. This is a simpler method and just as secure as the construction assembled by your attorneys," he said.

Also, the *NGW* fee structure was criticized as "dismal" as the magazine is paying an eight-year-old industry day rate.

"Certainly, everyone who works for the magazine has seen some increase in pay in the past eight years. During those years, every company has gradually paid more for salaries, benefits, postage, paper, electricity, heat, and just about everything purchased. Have the photographers been forgotten? Your contract simply increases the rights you acquire with no increase in payment. Where else can that be done unilaterally? It seems that you have picked out the most vulnerable of those you work with, independent photographers, and that you are taking advantage of that vulnerability," said Weisgrau.

He suggested that *NGW* take a look at ASMP's white paper on the editorial day rate, by visiting [www.asmp.org/information/whitepapers/dayrate.html] which sets out economic facts which cannot and should not be ignored, if a publisher wants to be fair to its photographers.

What's Hot

The Boston Globe contract: Injunction denied but case is far from over

The temporary injunction sought by freelance writers, illustrators, and photographers of *The Boston Globe* has been denied: but the case is just beginning. In June, the freelance contributors filed a class action lawsuit on behalf of one thousand of their colleagues, in Massachusetts Superior Court against *The Globe's* unfair and deceptive trade practices.

However, the preliminary injunction's being denied by Superior Court judge Carol S. Ball does not mean the case is over or lost.

In order to get an injunction, one must prove not only that the case may win and damage will be done to the plaintiffs in the meantime, but also that this damage cannot be made good with a money payment. The classic example is an injunction to stop a builder from tearing down an historic building; if it is torn down, and the court decides it should not have been, it is too late. In this case, if the freelancers were without *Globe* assignments for a while and the case is then decided in freelancers' favor, *The Globe* would presumably have to pay an amount judged to represent freelancers' losses in the interim. The judge concluded that, because such a payment would make good most of the harm done, an emergency injunction was not necessary to freelancers, and would unduly hamper *The Globe*.

The lawsuit was filed after *The Globe* attempted to coerce writers, illustrators and photographers into signing an unfair contract which demands all rights in all mediums to all past, present, and future creative works by freelance contributors. *The Globe* informed freelancers that they would never be hired again unless they agreed to the paper's demands, which include granting *The Globe* rights to re-publish in all mediums - including the Internet - articles, photographs and illustrations that were previously sold to the paper, for no additional compensation.

The legal action, *Marx et. al. v. The Globe Newspaper Co.*, is supported by three organizations representing freelancers, on behalf of their members who contribute to *The Globe*: ASMP, The National Writers Union, Local 1981 of the International Union, UAW, and the Graphic Artists Guild, Local 3030 of the International Union, UAW..

Editor's note: For latest information and photographs from the July 24 picket line at *The Boston Globe*, see *Special Announcements* at [www.asmp.org].

INTERNET: BUYING STOCK TOPS LIST OF USES

TrendWatch reports that buying stock photos via the Internet tops the list of Internet uses for agencies and designers. According to TrendWatch, eight out of ten agencies and six out of ten designers do this. For almost 60 percent of the corporate design departments, using e-mail for proofs with PDF or other attachments tops the list and for half of the commercial photographers, it is buying software via the Internet.

Apparently, the top things creative shops won't use the Internet for include job bidding and tracking print jobs and training employees. For more information about the TrendWatch Reports on the graphics, publishing and electronic media markets: [www.trendwatch.com]. Members can sign up for free TrendWatch Fast Facts e-mail service at [www.trendwatch.com /mail-form.html].

FORGET THE FANCY STUFF

And according to an Eyetrack study sponsored by the Poynter Institute and Stanford University, forget the fancy Web site graphics: it turns readers off. Readers of on-line news sites tend to look first and most intently at text, giving photos and other images short shrift in their search for meaningful information.

These results, noted in the Eyetrack study, are in direct juxtaposition to the way that print readers approach a news page. Readers of a printed newspaper tend to look first at photos before zeroing in on text. In summary findings posted on the Poynter Institute Web site, it's reported that on-line news readers read shallowly but widely, fixating on briefs or captions first, and then coming back later to graphics and

photos. And Internet news readers seek out other opinions and viewpoints: 10 percent deliberately chose to read foreign providers because they wanted another perspective on the news. *Introductory highlights from Eyetrack Study* [http://www.poynter.org/eye-track2000/body.htm].

THAI AIRWAYS CANCELS IN-FLIGHT SHARK FIN SOUP SERVICE

Members of the ASMP underwater photographers special interest group have played a role in saving sharks from being consumed by Thai Airways passengers. Group members were among protesters to Thai Airways about the airlines' offering shark fin soup on their flights. And Thai Airways has canceled shark fin soup on their first and royal executive class service on all international flights in support of the national environmental and ecological preservation policy.

A recent environmental report says that some 60,000 Pacific sharks were killed every year to satisfy human appetite for shark fin soup, a delicacy in Asian cuisine. This resulted in a dramatic decline of the shark population. On June 6, the United States House of Representatives voted to ban shark finning. According to a Thai Airways statement, the airlines supported worldwide conservation efforts and withdrew shark fin soup from their in-flight menu from June 10.

DISCOUNT FOR ASMP MEMBERS AT NPPA FLYING SHORT COURSE

ASMP members are being offered the NPPA member rate for any Flying Short Course program this year. Registration forms and other information will be available on the NPPA Web site [www.nppa.org] and the organization's *News Photographer* magazine.

The faculty for the FSC this year includes: Jodi Cobb, *National Geographic*; Will Counts, civil rights photographer; Rob Finch, Newspaper *Photographer of the Year*; Doug Legore, TV *POY*; Maria Mann, AFP; David Sutherland, documentary film producer; Pete Souza, *Chicago Tribune*; Brian Storm, MSNBC.

Dates/locations are: Oct. 21, Richmond, Virginia; Oct. 22, Indianapolis, Ind.; Oct. 24, Houston, Texas; Oct. 26, Salt Lake City (Ogden), Utah; Oct. 28, San Diego, Calif.

E-MAIL ALERT SYSTEM IS OPERATIONAL

ASMP's e-mail alert system is working and members with photojournalism, documentary and stock specialties were among the first recipients of specific information. To ensure that you don't miss e-mail alerts, make sure your current e-mail address is in the ASMP database. Send information to update@asmp.org. E-mail alerts are sent from the national office at the order of either the president or executive director. The system is not a ListServ: it is a one way message distribution service. The alerts can be sent to any selected group of members who have e-mail addresses on file at national. Search criteria from the database, such as specialty, area code, region, state, or combination thereof, are selected and the e-mail messaging center software and system take over. The only way to unsubscribe is to take an e-mail address out of the system, just as the only way not to get mail from ASMP is to take the postal address out to the system.

To avoid e-mail overload, ASMP is selective on what is sent and messages are brief and/or hyperlinked to more text on the ASMP Web site if necessary.

MEMBERS ARE OFFERED DISCOUNT ON COPYRIGHT REGISTRATION SOFTWARE

The producers of Official Copyright™ [www.officialsoftware.com], software designed to simplify filing a copyright with the U.S. Copyright Office, are offering a 20 percent discount on the \$70.95 program to ASMP members. All the information to register copyrights is provided as it is needed. Forms can be completed right on the screen; there are answers to often asked questions; an account section to keep track of registrations, and an interactive database of copyright publications. For the ASMP access code to order the program at the \$59.96 price, e-mail Amy Whitmoyer, [Whitmoyer@asmp.org].

PHOTOGRAPHERS HIT BY BURGLARS IN SAN ANTONIO

Clem Spalding of San Antonio reports that there has been a recent rash of burglaries of photographers' offices/studios in the Austin area. Commercial, wedding, portrait, big and small studios are getting hit hard in what appears to be a professional and deliberate wave of burglaries.

Spalding's advice - intended primarily for members in his area - is worth heeding regardless of where you live. Be extra aware of any suspicious attempts to sell used pro photo gear. If something doesn't sound/smell/feel right, it probably isn't. Report any situations to the local police, especially Austin. Review your own insurance situation. Make sure you have a good replacement-value policy. One that covers your gear wherever it is (studio, car, home, travel) The cheapest insurance policy is probably not the best choice. Review your security situation. Are you asking for trouble? Do you need-

lessly tell thieves "Come and get it"? Is it necessary for you to advertise your location with exterior signage or the Yellow Pages? If not, don't. Locate your business where there is some activity/occupation on weekends and evenings. Make your gear invisible for anyone looking in a window (home/office/car). Make sure you have sturdy doors and locks. Get an alarm but know that it will only slow the criminal a little. By the time a thief has set off the alarm, it is too late. And most alarms can be bypassed by simply cutting the phone line.

LOU JONES HONORED BY IPC

Boston photographer and well known ASMP member Lou Jones was honored by the International Photographic Council at its celebratory luncheon in New York earlier this year. Jones was nominated for the honor by ASMP for his outstanding contribution to the profession and especially for his widely acclaimed work on prisoners on death row in United States' jails.

Five professional photographers were acknowledged by IPC in the areas of commercial, documentary, photojournalism, portraiture and wedding photography. Honored were Bert Behnke, Professional Photographers of America Charities Founder, (portraiture); Carol Guzy, White House Press Photographer of the Year, (photojournalism); Lou Jones, American Society of Media Photographers, (commercial); Patrick Rice, Wedding & Portrait Photographers International Lifetime Achievement Award Recipient, (wedding); and John Stanmeyer, Newspaper Photographer of the Year, National Press Photographers of America Pictures of the Year Winner, (documentary).

The IPC is a non-governmental organization of the United Nations and annually awards scholarships to students of photography worldwide and recog-

nizes leaders of photography.

The keynote speaker at this year's event was Mark H. Roberts, president and CEO of Art Leather Mfg. Co., Inc. Patrick Siewert, president, Kodak Professional, and senior vice President, Eastman Kodak Company was presented with the IPC leadership award for his life-long dedication to professional photography.

NEW ETHNIC STOCK AGENCY WANTS SHOOTERS

Ethno Images, a stock photography agency targeted to multicultural consumers, is looking for new photographers. The St. Louis, Missouri-based agency can be reached at 800-749-2613 and on the Internet at [www.ethnoimages.com].

MUSEUMS OF FRANCE APPOINTS ART RESOURCE AS RIGHTS AGENCY

Art Resource, the New York photography archive devoted entirely to works of art, has been appointed by the Réunion des Musées Nationaux (RMN) of France to be the exclusive North American rights representative to reproduce works of art of the French museums falling under the jurisdiction of RMN. This is the first time that the Museums of France, whose members include the Musée du Louvre, Musée Picasso and Musée Matisse and many other famous museums of art, have made a comprehensive arrangement with an American entity. Art Resource has similar arrangements with other leading art archives. [www.artres.com].

MACKENZIE: \$10,000 GRANT FROM GRAHAM FOUNDATION

Washington, DC, member and leading architectural photographer Maxwell MacKenzie has received a \$10,000 grant from the Graham Foundation for Advanced Studies in the Fine Arts, for his project titled *Tobacco Barns, Structures Soaked in Sorrow*.

KODAK AND OLYMPICS

An estimated 175,000 rolls of film will be processed in the 21,000 square foot Kodak Image Center at the 2000 Olympic Games in Sydney, Australia, in September. Kodak will provide free processing and other imaging and electronic delivery services to more than 1,000 accredited photojournalists.

JACK MITCHELL WINS "FIRST AWARD SINCE THE SIXTH GRADE."

Veteran dance and celebrity photographer Jack Mitchell who retired to New Smyrna Beach, Florida, after spending most of his celebrated career in New York, has received the first annual achievement award in photography from photohighway.com, a new Web site dedicated to "all things photographic." A report in one of Mitchell's regional papers mentioned his quip about this being the first award anyone has presented him since the sixth grade. Of course Jack Mitchell's work has been collected into several books, featured by many of the major magazines, and one of his portraits, of Tennessee Williams, was reprinted millions of times for a U.S. postage stamp. The award was presented to him in New York and the event was televised live on the huge NBC-Panasonic screen in Times Square. Also featured was Mitchell's book *Icon & Idols* (Amphoto) whose cover photo is of John Lennon and Yoko Ono.

MOTHER JONES CALL FOR GRANT ENTRIES

Entries for the annual Mother Jones International Fund for Documentary Photography Awards are open but must be postmarked by September 1. The Fund awards a minimum of five grants of at least \$7,000 each and all entrants are eligible to receive the Mother Jones Medal of Excellence. Criteria for entries

include that the work must address important political, social, economic, environmental or ethical issues. In its 10-year history, the Fund has awarded 48 documentary photographers a total of \$318,000. For information: [www.motherjones.com/photo-fund] or ph: 415-665-6696.

HEATHER ANGEL TO BE KEYNOTE SPEAKER AT WCPP MEETING: PHOTOKINA, SEPTEMBER 24

The World Council of Professional Photographers (WCPP) will hold its annual general assembly meeting at Photokina on Sunday, September 24 at 2:30 p.m. The keynote speaker will be the world-renowned wild life photographer Heather Angel from England whose pictures have appeared in more than 5,000 books, including 47 of her own including *Natural Vision*, published this year. Known for capturing dramatic lighting and seeking exquisite close-ups, Angel's perceptive eye has captured many memorable moments: from leaping leopards to snow-covered pandas frolicking in snow. More recently, she has begun producing innovative digital art images of flowers. Her work has been recognized with worldwide honors and awards. In 1986, an honorary Doctorate of Science was conferred on her by Bath University and she is the first British wildlife photographer to become a professor (Nottingham University, 1994). The Bio Communications Association (BCA) of USA made her their 1998 Louis Schmidt Laureate.

The WCPP general assembly is open to all members of the professional imaging industry. For further information contact: Andreas Barylli, president, World Council of Professional Photographers, Opernring 6, A-1010 Vienna, Austria. Ph: + 43 (1) 512 8111; FAX: +43 (1) 513 7833 E-mail: foto@fayer.co.at ; [www.wcpp.org].

NewMembers'Zone

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

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Jeffrey Muir Hamilton, GMRe
B. Walker, T. Fuller

Richard J. McBain, SU
S. Meckler, C. Allen

ATLANTA/SOUTHEAST
S. Katheryn Demicco, GM
J. Leigh, K. Hawkins

Anne Ledbetter, GM
K. Hawkins, G. Foster

Craig M. Tanner, GM
J. Slemp, B. Mahoney

Sharon Vickery, ASTrf
J. Slemp, K. Hawkins

AUSTIN/SAN ANTONIO
Josef Armendariz, GM
M. Langford, C. Spalding

Michael Giordano, GM
M. Langford, C. Spalding

CAPITAL REGION
Donnelle Oxley, GM
W. Seldon, Jr., D. Sharpe

James Mott Rawlings, AS
V. Lewis, P. Hughes

Barbara Scheide, PS
J. Paul, P. Garreld

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Florida Comm. Coll. Jacksonville

Michael Wise, ST
Daytona Beach Comm. College

CENTRAL VIRGINIA
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C. Mitchell, S. Brown

David L. Everette, GMRe
C. Mitchell, C. Hunt

Alan D. Housel, GM
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Elaine Odell, AS
L. Brauer, C. Mitchell

CHICAGO/MIDWEST
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Columbia College

Miroslav Dvorscak, GM
G. Marchmont, S. Blair

Eugene Krukovskis, GM
G. Kuepfer, R. Gould

Kelly McKinnell, S
S. Blair, R. Wehmeier

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F. McMahon, R. E. Potter, III

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J. Blecha, J. Silverman

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T. Powell, J. Blecha

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