

ASMP Bulletin

JULY/AUGUST 2001



ADVERTISEMENT

ADVERTISEMENT



THE AMERICAN SOCIETY OF
MEDIA PHOTOGRAPHERS, INC.

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

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

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

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

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

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

© 2001 ASMP. All rights reserved, ISSN 07445784

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

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

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

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

Printed by Ripon Community Printers, Wisconsin.

Volume 20, Number 6

ASMP Bulletin

EDITOR Peter Skinner
PRODUCTION EDITOR Cilla Skinner
DESIGN CONSULTANT Ken Silvia

THE PURPOSE OF ASMP

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

5 **FIRST WORDS**
NO LAZY, HAZY SUMMER DAYS

8 **RIGHTS VIEWPOINT**
A LANDMARK DECISION

10 **LEGAL NEWS**
A VICTORY FOR CREATORS

14 **LEGAL NEWS**
A CALL FOR SUPPORT

16 **BUSINESS NEWS**
CO-OP PROGRESS REPORT

17 **IN MEMORIAM**
ELYSE WEISSBERG

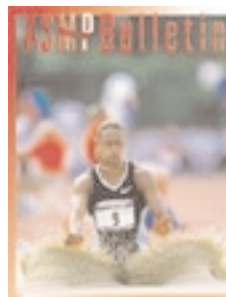
18 **MARKETING STRATEGIES**
HERE I AM

20 **ASMP MISCELLANEOUS**
SHORTTAKES

22 **ASMP MISCELLANEOUS**
NEWSLINES, WHAT'S HOT

24 **VIEWPOINT/LETTERS**
VIEWPOINT/LETTERS TO EDITOR

25 **ASMP MISCELLANEOUS**
OUR COVER, CLASSIFIEDS



OUR COVER

Scott K. Brown made this great shot of Olympian Marion Jones at the U.S. outdoor national championships. See page 25.

NO LAZY, HAZY SUMMER DAYS

Legal victories, copyright progress and meetings BY DAVE HARP

Traditionally, summer is a time when photographers can unwind a little, take vacations, sit on the beach, relax. But this summer is certainly not a time of hazy, lazy days for ASMP. Things have been both hectic and satisfying on the legal front (see *Legal News*, pages 10-12) and the pace is accelerating as the staff and board of the photographers' and illustrators' cooperative lay the foundations for what has been named Creative Eye.

Also, there is good news from the Copyright Office on streamlining registration procedures and information about this is in *Newslines* (pages 22-23).

As you will read elsewhere in this *Bulletin*, the hot legal news of the moment is the Supreme Court decision in the now familiar case of *Tasini et al v. New York Times*. Considerable space in this *Bulletin* has been devoted to this case, and with good reason. It's outcome is a huge victory for creators. Very simply, it was the case of a writer who felt wronged by a publisher and took legal action against that publisher. The recent ruling by the Supreme Court in Jonathan Tasini's favor ended a legal saga that began seven years ago when he first filed his suit against *The New York Times*.

From the outset, *Tasini v. New York Times* appeared to be a classic David versus Goliath battle: an individual fighting an uphill struggle against the giant media corporation. If that were the case and Jonathan Tasini, and the handful of other writers who joined him, really had to go it alone for those seven years, I doubt that they would have prevailed.

But *Tasini et al* had the National Writers Union and therefore the UAW behind them. Also playing vital support roles were a wide array of creators' rights groups, including ASMP. From the time this case first appeared, executive director Dick Weisgrau and general counsel Vic Perlman urged the national board to support it because, when it comes to reuse of our work, photographers face identical problems as writers. Not once did ASMP's support falter and the Society committed over \$100,000 in ASMP funds and resources to the cause.

Jonathan Tasini did the heavy lifting and each of us should thank him for his sacrifice and for his tireless efforts to see the case all the way through to its victorious conclusion. The trade organizations who supported him over the years should also take a bow, because this was truly a collective action.

ASMP is now focusing on collective action as the best way to improve the lives of all who photograph or illustrate or write to make a living. We are looking beyond our own membership to form alliances that allow us to cast a longer shadow on the intellectual property landscape. We are actively supporting Creative

Eye, the new photographers' and illustrators' cooperative, which was incorporated on July 1. The cooperative has an excellent team of staff and a founding board of directors and shows great promise as a way to establish minimum fees and automate licensing for photography and illustration. [See related article on page 16.]



Dave Harp
ASMP president
and chairman of the board

© 2001 RICHARD ANDERSON

SEEKING COMMON GROUND

ASMP is working with kindred organizations to improve lines of communications and to establish common goals which together we can work toward. To that end, recently we met with the volunteer leaders and staff members of other photographers' organizations and ASMP is participating in the Coalition of Visual Artists (CVA), whose mission is to protect the interests of rights holders.

Dick Weisgrau and I met with leaders of the Graphic Artists Guild at the Illustrators Conference in Santa Fe while first vice president Robert Wiley and director Eugene Mopsik traveled to Los Angeles for the CVA meeting. There they discussed issues of mutual concern with representatives of the Advertising Photographers of America, Editorial Photographers, National Press Photographers Association, Graphic Artists Guild, Illustrator's Partnership of America and Professional Photographers of America. Finding common ground is no easy task, because each of these groups has a slightly different constituency. However, we will continue to search for areas of mutual interest where we can make a bigger impact on the marketplace and in legal or legislative arenas.

COMMUNICATING MORE FREQUENTLY

And finally, we are planning a new communications strategy for ASMP by developing new avenues to improve the quality of the content and increasing the frequency of information. Good communications are vital to building teamwork and we plan to turn a new page (of the Web variety) in that area. Members can look forward to an increased flow of information appropriate to publications photographers. Staff and national leaders will increase their efforts to relay important information to Society members. And emphasis will be placed on ensuring this information will give our members an advantage in a crowded and confusing marketplace. ∞

ADVERTISEMENT

ADVERTISEMENT

A LANDMARK DECISION

But the battle is not over BY JONATHAN TASINI

The U.S. Supreme Court decision in the landmark electronic rights case is a huge victory for freelance writers, photographers and illustrators. But beyond its specific legal precedent, the ruling illuminates a wider, unrelenting war against creators of every stripe, a battle that is a threat to the survival of independent thought, our culture and freedom of expression. Everywhere one looks, creators are under assault by the media cartel. Take freelance writers. The Supreme Court, in a 7-2 decision joined by liberal and conservative justices, resoundingly ruled that publishers had been, effectively, stealing our work by selling to electronic media without our permission works we had sold them for print use. Nice racket if you can get away with it. Justice Ruth Bader Ginsburg wrote that the solution to deal with the widespread theft was for authors and publishers to agree to enter into agreements that allowed continued electronic usage of our works in return for royalty payments.

The reaction from the industry? So far, hard-ball recriminations. Thumbing their nose at the Supreme Court publishers are threatening to delete thousands of articles from electronic archives unless authors sign away their future rights in perpetuity and any claims to compensation for the past illegal use of our work. They didn't have to work too hard to come up with the unconscionable contracts; for the past five years, because we stood up for our rights, many of them have been bludgeoning freelance creators to sign away their rights in perpetuity, for no additional money, for all new works.

Our fellow artists in the music business fare no better. The ante for an artist to even get in the door with a major record company is to completely sign away her rights, which she can get back after 35 years (the so-called reversion right). And that's not good enough for the record companies. Last year, they slyly slipped through a piece of congressional legislation to take away even those reversion rights. They got caught red-handed and the bill was repealed. But the message is clear: record

companies will assault their artists whenever possible.

And of course, the media cartel has taken after actors and screenwriters. Actors had to strike the advertising industry last year. Screenwriters struck a deal after harsh bargaining and a threatened strike; actors are still in negotiations with the motion picture industry. And their demands? To share more fairly in the billions of dollars in revenues they generate from the sale of their creations.

That is what has been forgotten. We create the value, not the industry executives who, by the way, are compensated quite handsomely. We are the people who are supposed to benefit from the sale of intellectual property, not AOL Time Warner and Disney. We are the energy behind the thoughts, ideas, pictures and words that flow through the minds of people in every community.

Indeed, the public should care about our struggle. If we cannot make a fair liv-

ing, we cannot continue to create new works. If we do not control our works, the media cartel will decide what information the public has and at what price. So, the average person has a real, personal interest in supporting writers in a boycott or strike against a media company.

Creators should celebrate the Supreme Court victory, but not for too long. If the lesson we draw is that a majority of judges always will protect our livelihoods from the power of the marketplace, we are fools. We got lucky because the industry acted illegally, brazenly so. But the true fight is not about the law but about power. The trend is clear; the industry has united with a firm agenda to rob all creators by any means necessary. In response, we—actors, screenwriters, photographers, artists, illustrators and writers—must band together and ignite a dynamic, co-ordinated movement that

exerts power at the bargaining table, in the legislative corridors and if necessary, in the streets. If we do, they will not be able to stop us. ∞

“The trend is clear; the industry has united with a firm agenda to rob all creators by any means necessary.”

Jonathan Tasini, president of the United Auto Workers-affiliated National Writers Union, was the main plaintiff in the suit by freelance writers alleging copyright infringement against the New York Times and other media companies, including the Tribune Co. which now owns the Los Angeles Times. This article, published in the Los Angeles Times is reprinted with the author's permission.

ADVERTISEMENT

A VICTORY FOR CREATORS

Tasini et al. v. NY Times et al BY VICTOR S. PERLMAN

In a 7-2 decision, the U.S. Supreme Court has ruled that freelancers' work may not be used in electronic databases without permission. This gives creators a huge victory in a case that began in 1994 when National Writers Union president Jonathan Tasini and several other freelance writers sued *The New York Times*, *Newsday* and *Time Inc.* for unauthorized electronic use of their articles.

The publishers had claimed that the uses were revisions of the articles and thus permitted under Section 201(c) of the Copyright Act. A District Court judge found in favor of the publishers in 1993, but in 1999 the Second Circuit Court overturned that decision ruling that the electronic versions were new work and not revisions.

From the outset, ASMP has been in the writers' corner, weighing in with financial and legal support and it's gratifying to see the highest court in the land ruling in our favor. Still to be decided is how freelancers will be paid, and this decision is now in the hands

of a lower court.

ASMP has contributed an estimated \$100,000 of our resources to this case whose favorable outcome will benefit all creators. It cannot be stressed enough, just how important this court decision is to us.

Following is a summary of the opinion and dissent in this very important case and also included are some of my thoughts and comments.

BACKGROUND

As many of you will recall, the case involves articles to which freelance writers granted publishers limited rights to publish their articles in newspapers, magazines and other similar publications (collective works). The publishers later placed these articles into on-line and CD-ROM databases such as Lexis and Nexis. There were no written agreements or other licenses dealing with the issue of whether the initial publication rights granted by the authors included the rights to publish the articles electronically in digital databases. The authors sued for copyright infringement.

The publishers defended, claiming that the digital databases were covered by the privilege given to publishers of collective works under Section 201(c) of the Copyright Act, "...In the absence of an express transfer of the copyright or of any rights under it, the owner of copyright in the collective work (i.e. the publisher) is presumed to have acquired only the privilege of reproducing and distributing the contribution (i.e. the articles) as part of that particular collective work, any revision of that collective work, and any later collective work in the same series..."

So, the issue before the Court was whether the databases were merely revisions of the issues of the magazines and newspapers in which the articles were properly published, or were something else, something other than a revision.

THE DECISION

Justice Ginsburg delivered the decision for the seven justices who made up the majority. Justice Stevens wrote a dissenting opinion in which Justice Breyer joined. The majority adopted essentially the same reasoning as the Second Circuit did when it ruled in favor of the writers (and reversed the decision of the District Court which had ruled in favor of the publishers). In a nutshell, it found that the articles in databases were placed there out of the context of the collective works for which they had been licensed and that, whatever the databases were (they "... might fairly be

ADVERTISEMENT

described as containing new anthologies of innumerable editions of publications...”), they were not revisions of the particular collective works for which the writers had given permission to publish.

The majority decision tracks the briefs of the writers and the amicus brief of ASMP fairly closely. A good part of the opinion, like the briefs, examines the legislative history that led to the “revision” language being included in the legislation. I will not repeat the Court’s analysis here. The full decision is at [<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=000&invol=00-201>]. However, it is interesting to note that the Court dismissed the publishers’ argument that the databases were just like converting the publications to microfilm or microfiche, pointing out that, unlike databases, microfilms contain the entire print publication, with the material appearing in the same sequence and context as in print.

The Court also rejected the “parade of horrors” argument that the publishers tried to use, in which they predicted devastating consequences if the Court ruled in favor of the writers. The “devastating consequences” would supposedly include gaping holes in the electronic record of published works. That is, works would be pulled from the electronic databases, thus making them “disappear” from the body of work available on computers. In response, the Court took an important step in giving instructions to the District Court for the Southern District of New York,

to which the case now returns. It said, “... It hardly follows from today’s decision that an injunction against the inclusion of these Articles in the Databases (much less any freelance articles in any databases) must issue.” That is, it in effect suggested to the District Court that it should give a monetary award to the authors, but should not issue an injunction removing the articles in question from the databases. It has always been ASMP’s position that this case is about money, it is not about removing materials from the public record, and the Court has now said the same thing.

COPYRIGHT OFFICE SUPPORT

In its decision, the majority also referred in several footnotes to the letter that Marybeth Peters wrote setting forth the Copyright Office’s position in this case. That letter was instrumental. Jonathan Tasini and I worked long and hard to get it into the *Congressional Record* so that the Court could consider it, and we are greatly in Marybeth Peters’ debt for writing it. We are equally appreciative of Rep. (D, Mass.) James McGovern’s actions in requesting the letter, without which it would not have been written. Interestingly, the Court also referred in a footnote to another case in which ASMP had been actively involved, *Community for Creative Non-Violence (CCNV) v. Reid*. This serves as a vivid reminder to us of why the value of cases as legal precedent is such an important factor in ASMP’s decisions concerning which cases to support.

cont. on p. 12

ADVERTISEMENT

Just as the majority of the Court tracked the writers' briefs, the dissenters closely followed the publishers' briefs. Essentially, they seem to value the convenience to the public of digital databases over the rights of the individual authors, and that view seems to color how they see things, like those databases. Unlike the majority, Justices Stevens and Breyer did not seem to understand (or perhaps ignored) the fact that this case is about writers getting paid for the rights they grant, not about access to information.

The Court's decision finds that the publishers violated the copyrights of the authors and sends the case back to District Court to fashion appropriate relief. This will probably mean more hearings and considerable negotiation between the two sides, both under the supervision of the District Court and independently.

Whatever happens, the District Court cannot miss the clear message that its remedy should be in the form of money damages and not in an injunction to remove the articles from the databases. This decision will also put considerable pressure on the litiga-

tion in which we are involved over the *Boston Globe's* freelancer contract. It is also likely to put increased pressure on *National Geographic*, which had been planning to appeal Jerry Greenberg's victory in the 11th Circuit to the Supreme Court. *Geographic* may now see the Supreme Court as less likely to take the case and/or to rule in their favor as they may have thought just one day ago.

KUDOS

Congratulations and thanks go to everyone involved, particularly: Jonathan Tasini, for having the courage to devote years of his life to this case; to Patsy Felch in Chicago, the attorney who convinced the Second Circuit to reverse the dreadful decision of the District Court and who is, in our view, the most important part of the Tasini Supreme Court legal team; to Marybeth Peters and Rep. James McGovern for having the courage to take a stand on behalf of the creative community without regard to political fallout; and to Donald Prutzman and Andy Berger in New York for their help in the filing of our brief. ∞

MORE GOOD LEGAL NEWS

JERRY GREENBERG AND NATIONAL GEOGRAPHIC

There is more good legal news for ASMP members and other photographers: The U.S. Court of Appeals for the 11th Circuit has just rejected Ken Starr's petition on behalf of *National Geographic* in the copyright infringement lawsuit by Jerry Greenberg against *National Geographic* for its unauthorized use of his photos on *Geographic's* CD-ROM. This means that *Geographic's* only hope for overturning the ruling that they infringed Jerry's copyrights is if they can convince the U.S. Supreme Court to take the case in the first place, and then to rule in *Geographic's* favor and reverse the 11th Circuit. The chances of both of those things happening look slim. ASMP has been playing an active role in this case and in supporting Jerry since the beginning.

Any photographers who have published photographs in *National Geographic* should take a careful look at their contracts (of which there are many variations) and see if *Geographic* appears to have violated their rights when it reproduced and distributed every one of its issues on CD-ROM. You may have a valid infringement claim waiting to be made. ASMP will keep you posted.

PROGRESS IN INTERNET COPYRIGHT CASE WITH ARRIBA SOFT CORP

There is progress in the case of ASMP member Les Kelly v. Arriba Soft Corp. (now known as Ditto.com). After months of silence since ASMP filed briefs in the Ninth Circuit the better part of a year ago, the Court has now listed the case for oral argument on September 10, 2001. This case will help define the limits of copyright in the Internet world.

Ditto.com, formerly ArribaVista, provides a Web site that uses a robot to search the Internet for photographs and then displays those photos, literally millions of them, in searchable form on its Web site. It does this without any permission from the photographers or from the owners of the Web sites from where the photos came.

Kelly sued for copyright infringement. A U.S. District Court Judge in Southern California ruled against Kelly, saying that this was a case of fair use. ASMP was outraged at that decision and arranged for legal representation for Kelly to take and appeal. ASMP also filed an amicus curiae brief in his support. The decision in this case will affect all ASMP members and all the owners of Web sites such as Webshots, Alta Vista, and similar sites that give viewers access to photos without permission from the copyright owners. It should answer the question of whether every photo that photographers put up on the Internet automatically becomes fair game.

ADVERTISEMENT

A CALL FOR SUPPORT

The legal fund is a valuable but depleted resource BY SCOTT HIGHTON

ASMMP has been involved in an unprecedented amount of legal activity recently, some of which has resulted in the tremendous victories by Jonathan Tasini vs. *The New York Times* and Jerry Greenberg vs. *National Geographic*. While ASMP is also involved in many other cases defending and protecting the rights of independent authors, these two victories highlight the immense value of our legal war chest, the ASMP Legal Action Fund. ASMP's support of the Tasini case exceeded \$100,000 over the last seven years, and resulted in a Supreme Court victory in June (see related articles on pages 8 and 10). The financial part of this support did not come from ASMP's member dues, but rather from volunteer contributions made to the ASMP Legal Action Fund.

While the fund has been successfully providing the financial backbone of ASMP's legal efforts to protect photographers' interests, it is in constant need of replenishment. This is particularly the case now, after our efforts toward these major successes and in fac-

ing the renewed challenges that publishers are expected to launch against authors in response to these victories.

I have been asked by ASMP's president Dave Harp to spearhead ASMP's efforts at rebuilding the Legal Action Fund in preparation for these battles ahead. I've taken initial steps in planning a strategy through correspondence with ASMP chapter and national leaders, and will present a collection of ideas to the board in the next month. Included among these proposed efforts are fund raising ads in various trade publications, promotion of chapter programs or meetings held to directly benefit the Fund, and continuation of ASMP's monthly prize drawings for Legal Action Fund contributors.

Currently we have a fair bit of merchandise donated by sponsors and members, including a Nikon F100 camera and lens, a Dyna-Lite lighting kit, an Epson Stylus Photo 890 printer, bricks of film from Kodak and Fuji and books.

The important thing about these fund raising approaches is that they remain long term and ongoing efforts, not just one time events. The Legal Action Fund, like any resource, is most effective when it has significant reserves. Unfortunately, it is somewhat depleted today.

ASMP now needs the renewed financial support of photographers and authors whose interests ASMP has been protecting for so long. A simple contribution, no matter how small or large, by individual photographers, authors, illustrators and other creators will help ASMP continue its aggressive legal efforts to protect and promote the rights of all independent creators.

I invite each of you to send a contribution today, whether \$5, \$25, \$100 or more. All contributions are needed, and any contribution qualifies you to be entered into the next prize drawing. I also welcome your ideas and suggestions for further fund raising efforts.

HOW TO SUPPORT THE LEGAL ACTION FUND

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

Name: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

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

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

Thank you for your support.

8/01

RECENT CONTRIBUTIONS

Contributions continue to come in from individuals, chapters, and companies alike and each dollar is vital to the legal fund. Among the significant influxes of late are \$1,299, the proceeds from the ASMP-sponsored seminar at Photo East, moderated by Clayton Price and \$1,000 from the Colorado chapter of ASMP. An additional \$1,000 was donated by the Science Fiction and Fantasy Writers of America, Inc., whose legal counsel, M. Christine Valada, said that SFWA respects the work that ASMP has done on behalf of all creators, "and is proud to be included in that effort as a signatory to ASMP's amicus briefs in *Tasini and Morris*."

Another significant contribution was made by the realty information group CoStar of Bethesda, Maryland, but at the company's request, the amount is not to be disclosed.

And two members whose contributions stand out are Laura Noel of Roswell, Georgia, who sent in \$1,000 and Jeff Smith, of Atlantic Highlands, New Jersey who donated \$500.

Opposite is a list of recent contributors and ASMP thanks you all.

LEGAL ACTION FUND GOODIES

A Nikon F100 and zoom lens; a Dyna-Lite lighting package and an



Epson Stylus Photo 890 printer are among the "goodies" that will be in future Legal Action Fund draws.



Also included are the following: Bricks of film from Fuji Professional and Kodak Professional; a copy of Art Wolfe's latest book *The Living Wild*, donated by Fuji Professional; two copies of fotoBiz (including fotoQuote 4.0 with assignment pricing) from Cradoc Corporation; a copy of *The Story of Dos Cabezas*, with photographs by Carol Wien; *Alaska's Sky Follies*, *The Funny Side of Flying in the North*, by Joe Rychetnik; three coupons for free Web site hosting (3 months to one year) from photofolio.com; a copy of *Ruth Bernhard, Between Art and Life*, by Margaretta Mitchell; *Voyages, The Romance of Cruising*, by Harvey Lloyd; *Isles of Eden*, by Harvey Lloyd; 10 copies of HindSight's Caption Writer software program. ∞

Scott Highton, who is based in San Carlos, Calif., is ASMP second vice president.

LEGAL ACTION FUND CONTRIBUTIONS FEB 1 - JUNE 30, 2001

Bauman, Margaret	25	Makris, David	20
Ball, Keith	25	Maziarz, Mark	25
Bernard, Tom	50	McMullin, Forest	100
Black, Laurie	75	Miles, William A.	80
Booth Vollers, Jane	25	Miller, Harold L.	200
Brooks, Charlotte	100	Miller, Myron	100
Brown, Nancy	200	Mogilner, M.	25
Buchner, Theodora	10	Navin, Christopher	50
Buck, Bruce	50	Noel, Laura	1000
Carter, Mary Ann	200	Ohio Valley Chapter	200
Chandoha, Walter	225	Peachin, Mary	100
Cohen, Stewart	100	Peet, George	100
Coppola, Angela	300	Prechtel, Brian C.	25
Dandele, Lucile	22	Primiano, Dwight	25
Davis Hall, Cynthia	125	Reynolds, Tamana Patrice	25
Delano, Jonathan	10	Rosen, Olive	50
Denison, Bill	25	Ross, Brendan	20
Drew, Rue Faris	250	Sargent, Kim	25
Ewing, Dasha	100	Schwartz, Michael R.	50
Ferguson, Debra L.	50	Sharp, Steve	100
Garen CPPP, George R.	50	Sieb, Fred	150
Giammatteo, John A.	25	Simpson, Elizabeth P.	50
Gleiter, Jerilee	25	Simpson, Michael D.	50
Grabner, Michael	30	Skoogfors, Leif	250
Graham, Kay	25	Smith, David Scott	100
Grossmann, Art	20	Smith, Jeff	500
Gryzenia, George	25	Smook, Diane	50
Haggard, Steve J.	50	Stoppelman, Frans	11.50
Harp, David W.	100	Straus, Bill	50
Harrison, Joe	50	Sumner, Bill	100
Hatzenbuehler, Daniel B.	50	Sund, Carol A.	30
Heisey, Adriel R.	10	Swanson, Eric	25
Irion, Christopher	250	Tell, Susan May	50
Jangoux, Jacques Ivan-Georges	100	Therrien, Ned	50
Jautz, Ron	100	Thomas, Richard B.	50
Kahlbaugh, Linda	30	Thorne, Heidi	10
Kannair, Jonathan	200	Turner, J. Mark	100
Ketchum, G. Larry	50	Vaughn, Greg	25
Klumpp, Don	100	Vikander, Brian A.	25
Kohn, Scott F.	20	Wargo, Matt	25
Kredenser, Peter	100	Wells, David H.	50
Krist, Bob	50	Wilson, Jason Rosa	50
Long, George	25	Wiltsie, Gordon	50
Madere, John	75	Wright, Timothy H.	25

CO-OP PROGRESS REPORT

Creative Eye assumes ownership of Mira BY JOHN GREIM

By the time you read this undoubtedly there will be new developments as the recently formed photographers' and illustrators' cooperative accelerates its activities. Information will be distributed as it comes to hand and also will be posted on Mira.com until the cooperative's own site is operational.

Here, in brief, are items of recent progress.

The co-op's name will be Creative Eye (CE). The assignment licensing division will be called Iris and the stock licensing division will be Mira. An integrated logo design linking the three is nearly completed and a purchasing program division, to create purchasing benefits for members, is also being developed.

Creative Eye assumed ownership of Mira on July 1. Contracts, submission guidelines and related information have been sent, initially to MPCA members and then to those on the waiting list. The same information will be sent in response to inquiries about joining.

Membership in the co-op will be required in order to participate in Mira. MPCA members with images in Mira will stay on-

line and their images will continue to be licensed through September 30. At some point between now and then, each MPCA member will have to decide whether they wish to join the co-op. Apart from a few minor changes, the Mira contract will be essentially the same as the MPCA contract.

Since membership in the co-op is contingent upon the purchase of \$100 voting share of stock, it can not be waived for MPCA members. If a member decides to leave the co-op, however, that share will be bought back for \$100. Current MPCA members will not pay the \$50 application fee that new members will be required to pay to join the co-op.

"The Mira file is being divided into editorial and commercial sections which will allow a buyer to search under one or the other or both."

Submissions will go directly to Mira for editing. Mira will then forward them to Boston Photo for scanning thumbnail generation and uploading. Boston Photo will return the images directly to the photographer. Cathy Burkey, who has played a vital role as editor over the past nine months, will be a backup editor whose services will be used when the need arises.

The Mira file is being divided into editorial and commercial sections which will allow a buyer to search under one or the other or both. Illustrators will have their own collection. Further categorization or brands are likely as Mira develops. The *Washington Post* and *New Yorker* cartoon collections will be dropped from Mira since much of that work is owned by the publisher and this is in conflict with the interests of Creative Eye.

INITIAL BOARD MEETING

The first CE board meeting was held July 15-16 in Phoenix, Ariz. The incorporating board will be: Forest McMullin, a photographer, C.F. Payne, an illustrator, Glen Serbin, president of Serbin Communications, Mel Baiada, president and CEO of Sengen, and me. Additional board members will be considered at the meeting.

Creative Eye executive director Kristen Giordano and the co-op staff have been working extremely long and intense hours to make the Mira transition and to lay the foundation for Creative Eye. They are fully committed and understand the critical importance of the co-op's success to creators.

Photographers are asked be patient and are assured that the Creative Eye staff are working for you. Many positive changes are taking place and will become evident over the course of the summer. As I mentioned at the beginning of this report, additional information will be available through a creator resource Web site that is currently under construction. At writing, requests for information are best sent via e-mail to mira@mira.com and please use that e-mail address until you hear otherwise. ∞

John Greim is chairman of the Creative Eye board of directors. Until recently he recently served as a director on the national board of ASMP.

ELYSE WEISSBERG

Loved and respected consultant dies at home BY PETER SKINNER

The creative community is mourning the loss of one of its most loved and respected representatives and consultants, Elyse Weissberg-Spero, 45, who died at her home in New York on July 21 after a long and courageous battle with cancer. Her funeral service, held on July 22, was attended by several hundred people. Ms Weissberg was well known for her marketing and promotion articles, such as those regularly written for the *Bulletin*, and for her seminars and presentations. Her last article for the *Bulletin*, *Updating your portfolio*, which was originally slated for this issue, will be published next month. Elyse said at the time she wrote the article that she was taking a break from writing for a while. Typically, she made no mention of the reason.

Born in Washington, DC on April 9, 1956, Elyse moved with her family to New York a couple of years later and grew up in New York. She graduated from Rochester Institute of Technology with a degree in fine art in 1978, following which she pursued her art career in Washington, DC. In 1982 she moved back to New York, soon after embarking on her career as a photographer's representative. Her sparkling, ebullient personality combined with the highest standards of professionalism ensured that her chosen career would be successful and she became widely respected by photographers and clients alike. While she consulted to many photographers, her principal stable of photographers included Eddie Adams, Denise Chastain, Paul Markow, and Jack Reznicki, who has been represented by her since 1983.

A strong supporter of ASMP and other trade associations, Elyse was a member of the Society of Photographers and Artists Representatives. One of her keynote seminars was *Expose Yourself Properly: Proven Strategies for creating a successful portfolio and marketing plan*. This program had been presented to numerous audiences and was one of the most popular at ASMP's biennial conference in San Diego, September 1998.

Elyse had been working on a book and this is scheduled for publication in fall 2002. Additionally, some of her articles are included in the 6th edition of the ASMP *Professional Business*



Practices in Photography (Allworth Press) which has just been completed.

Throughout her career, Elyse Weissberg dedicated herself to photographers; she was generous with advice and encouragement and exuded a positive, upbeat attitude in every aspect of her work and life. She will be missed but will continue to help photographers—and her memory will live on—through her teaching and writing.

Elyse is survived by her husband, Ted Spero, their children Sonny, 11, and Hannah, 9; her mother Meme Weissberg; a brother Bruce and sister, Fonda Lowe and numerous cousins, nephews and nieces.

A fund has been established for the children in Sonny Spero's name and contributions can be sent c/o Ted Spero, 299 Pearl St., Apt 5E, New York NY 10038. E-mail messages for the family can be sent to [ElyseRep@aol.com]. ∞

HERE I AM

Using your Web site as a marketing tool BY ALISON DOUGLAS

A photography Web site is a marketing tool that works for you around-the-clock. It presents your photography to an international audience of photo buyers at a fraction of what it would cost you to invest in a direct marketing campaign to reach a similar market. Having a Web site gives you the opportunity to quickly and inexpensively reach photo buyers beyond your local and regional markets.

Expectations on Web sites have changed. About five or six years ago it was relatively rare to find photographers who had sites and art buyers were suitably impressed with photographers who had them.

Today the situation has reversed. Photo buyers will be surprised if

you don't have a Web site. According to a report from Network Solutions Inc., photographers are leaders in first-time domain-name buyers. This means that even if you don't have a Web site, your competition probably does.

However, creating a Web site is not a case of "if you build it, they will come." Constructing the Web site is only the first step, the second step is knowing how to market it effectively.

CONSIDERATIONS

When setting up your photography Web site, step outside your own experience and think from the perspective of your clients and your markets. You need to know how *your* buyers search for images. Consider these questions:

- What are your clients looking for in a photographer's Web site?
- What do you need to show for them to feel comfortable calling you for a job?
- What Web site features are applicable for your market?

• Do your clients use on-line creative directories or do they use search engines?

For instance, do you think a New York City agency art buyer would use a Yahoo or Lycos to look for a professional photographer? Do you think she or he would have the patience to sort through all the amateur photography Web sites that would come up in the results? Step into the role of a buyer in your market, and think about the real ways that they search for photographers.

CREATIVE DIRECTORIES

The Internet has been great for photo buyers. Since the mid to late-1990s, a growing number of them have turned to the Internet to find photographers. It can be easier and faster than searching through drawers of old promos or a hefty sourcebook. Another advantage to searching for photographers on-line is the abili-

ty to narrow one's search down to the exact region or specialty that one is looking for. Online creative directories are an excellent resource for experienced photo buyers to find qualified professional photographers. Among the many on-line creative directories are workbook.com, plan-

etpoint.com, portfolios.com, photographers.com, altpick.com, and ASMP's *Find a Photographer* at www.asmp.org.

Local creative directories are even more useful if your clients are in the same region as you. If you have editorial and advertising clients, it is important that you get your Web site listed on as many of these on-line creative directories as you can. This is not necessarily an expensive process since many of them offer free text listings which include a link to your Web site.

WEB SITE FEATURES

Once the buyer has searched on an on-line creative directory

and received a list of photographers who meet their geographical and visual needs, invariably they will visit individual Web sites before calling in portfolios. This is where your Web site needs to be a marketing tool strong enough to convince a buyer, who may have never heard of you before, that you have the experience and skills to do the job. Obviously, your Web

"Online creative directories are an excellent resource for experienced photo buyers to find qualified professional photographers."

site needs to show off your best images. And it also needs to highlight your credibility, service, experience, and reliability. Your credibility, which can encourage a client to ask for your portfolio, can be extolled through such things as a client list, a biography, and client quotes.

Your visual branding and the uniformity of your business look are important. Does your Web site look the same as your letterhead, your promos, your business cards, your sourcebook ads, and your printed portfolio? Consistency in facets such as color scheme, your logo and type-face all enhance the look of professionalism.

SEARCH ENGINES

If your clients are primarily experienced photo buyers, such as advertising agency art buyers and magazine photo editors, the on-line creative directories become more important to your Web site marketing efforts than basic search engines. If you have many buyers in smaller markets (galleries, consumer-direct), and you do a lot of work direct with corporate clients, then you'll want to get yourself listed on all of the major search engines as well. This is not difficult to accomplish.

First, you need to know how search engines work. Fortunately, there is an excellent Web site, *Search Engine Watch*, that explains in detail this aspect. Go to [<http://www.searchenginewatch.com>] and you will see how they rank pages, how to optimize your Web site so that it will be accessible to search engines, and many other useful topics. Take a look at the section called *Search Engine Submission Tips*. Keep in mind that there are only about 20 major search engines and these are the only ones that you really need to be concerned about.

MARKETING YOUR WEB SITE OFF-LINE

On-line creative directories and search engines are the two main ways to promote or market your Web site on-line. You also need to promote it off-line and there are numerous ways to do this.

- Include your Web site address (the URL) on all your printed promotional materials, business cards, letterhead, promos, and sourcebook ads. Putting the URL on all your printed business materials will consistently and unobtrusively promote your site.

- If you specialize in editorial photography, request that your URL be part of your credit line. This is a relatively new idea but is gaining popularity. As a bonus, a credit line in an on-line publication can become a direct link to your Web site. An example of the standard form for a credit line with URL is (© 2001 Alison Douglas/www.alisondouglas.com).

- If you are published in any photo books, include your URL with your bio on the book flaps.

- Create a stamp with your URL that you can use on transparencies, slides, prints, boxes and envelopes—anything that gets sent from your studio.

- Try to get yourself and your Web site mentioned in print publications (specifically photo-related ones). If you are highlighted in any editorial piece, make sure that the copy includes your Web site address.

- Use a signature file on all your e-mails. This is pre-set text that appears automatically at the bottom of the e-mails you send and is like a company letterhead, or a business card. You can also include your Web site address as a link in your signature file so that it automatically appears

at the bottom of all your outgoing e-mail. It should be no more than four or five lines long; anything more and viewers might lose interest, thinking that it is an advertisement. You can set up your own signature file in the preferences option in your e-mail program.

In conclusion, remember there are two prime considerations. First, you are trying to drive *buyers* to your Web site. Not

other photographers, not Web surfers—only qualified photo buyers.

And second, a Web site is just one part of an overall strategy to promote your work. It does not replace phone calls, personal referrals, promo card mailings, ads or listings in directories, or having a physical portfolio that shows off your work to its best advantage. ∞

©2001 Alison Douglas. *The author, a creative consultant based in Cambridge, Mass., specializes in Internet issues and their effect on photographers in marketing, pricing and on-line copyright protection.*

“Try to get yourself and your Web site mentioned in print publications (specifically photo-related ones). If you are highlighted in any editorial piece, make sure that the copy includes your Web site address.”

EXECUTIVE DIRECTOR NAMED FOR BLUE EARTH ALLIANCE

The Blue Earth Alliance, a five-year old Seattle-based non-profit photographer's alliance that supports photographic projects documenting environmental, cultural or social issues, has named Ric Kasnoff as its first executive director. Kasnoff, a lifelong photographer, comes to Blue Earth after positions as senior business development director,

professional imaging at Alchemedia Technologies, the pioneer of image security software, and as lead producer of the Microsoft Encarta products on-line business unit. He is a member of ASMP, APA, and NANPA and also sits on the presidents council and digital advisory committee of the International Center of Photography and has been frequently featured as a speaker and panelist on photography

and the Internet, copyrights issues and image security.

OUR SECOND KNIGHT

The June *Bulletin* carried an item about the knighting of member Frans Lanting (*Newslines*, page 18) and included a statement that "it was believed" that with this honor Lanting became the first knight of ASMP. However, well known Dutch photographer Paul Huf of Amsterdam, dropped us a note pointing out that in 1977 he was knighted by Queen Juliana of the Netherlands in the *Order of Orange Nassau*. So, Sir Frans is ASMP's second knight.

ENTRIES CALLED FOR MOTHER JONES GRANTS

The deadline for entries in the annual Mother Jones documentary projects awards is September 1. The Mother Jones photo fund supports in-depth documentary photography projects, especially those that are less likely to be completed without financial backing. The fund awards a minimum of six grants of at least \$7,000 each. Photographers are grouped according to their country of passport. One photographer in each region of the world will receive a grant. All award winners are chosen by a panel of

three members of the international photographic community. Grants are for works in progress and not completed projects. For information: [www.motherjones.com/photo-fund].

GAUB, CHIEF MARKETING OFFICER FOR KODAK

Eastman Kodak Company has named Janice D. Gaub as chief marketing officer and vice president for Kodak Professional reporting to David L. Swift, president of Kodak Professional. Prior to joining Kodak, Gaub was vice president of marketing and site management for drugstore.com and from 1997-2000 she was divisional vice president, brand marketing, with Seattle-based Eddie Bauer.

PETER BIASOTTI, CALUMET CEO

Peter Biasotti, a 30-year veteran of the photographic industry, has been appointed president and chief executive officer of Calumet Professional Imaging Group, replacing Kathy Houde who resigned earlier this year. Biasotti, who has been with Calumet since 1985, becomes only the third president of Calumet in over 20 years. In 1997 he started and headed the company's Professional Digital Imaging division.

BUD TRENKA APPROACHES LIFE AND WORK WITH NEW VISION



New England member Bud Trenka, badly injured in a freak bicycling accident which was reported in a previous *Bulletin*, has rebounded with indomitable spirit and eternal gratitude to all those who helped him fight back. In a thank you letter to the *Bulletin*, Trenka, who is based in Stamford, Conn., said that with the help of a health aide he now lives independently, does all his own cooking, and is having "fun" closing out his old apartment, studio and office of 19 years. "Going forward, I will pursue more aerial photo work and will direct other photography," he said, adding that he is starting driver training and plans to purchase a mini van with hand controls. "I don't see myself as handicapped. I just approach life and work differently now," he said.

MCINTYRES' BOOK WINS NATIONAL AWARDS

A book by photographers Will and Deni McIntyre of Winston-Salem, North Carolina has received national recognition. *ALL OVER THE MAP: TRAVEL PHOTOGRAPHS & THE STORIES BEHIND THEM* (ISBN 0-9679506-0-0) won the *Best Photography Book* award for 2001 from the Independent Publisher Association, announced at Book Expo America in Chicago on June 2. More than 700 publishers participated in the competition. *ALL OVER THE MAP* also won third place in the fine art /photography category of *FOREWORD* magazine's *Book of The Year* awards, which were announced in Chicago on the same day.

PROF. CAMERA REPAIR SERVICE CLOSES ITS DOORS

After more than 50 years as one of the leading photographic equipment repair facilities in New York, Professional Camera Repair Service has closed its doors. Owner Herb Zimmerman, who joined Pro Camera in 1969 and who had owned it for the past 18 months, said it was a very difficult and sad decision but inevitable because of financial considerations. One of the principals, and who had retired from the business in the late 1980s, was the legendary Marty Forscher, a guru of camera inventiveness and ingenuity. During its more than half a century of operation, Pro Camera was "the place" to have equipment repaired and most leading New York photographers had been clients at some stage. Herb Zimmerman told the *Bulletin* that he expected to close the business about mid-July.

MOTHER BOOK AND EXHIBIT, NYC

Well known advertising photographer Jim Erickson will be in New York September 13 for the opening of an exhibit of twelve prints from his first book, *MOTHER*, to be published in September by Dillon Beach Press. Erickson devoted his personal work exclusively to the subject of "mother" for over four years in locations all over the world to create images for the book. Duggal is sponsoring the event at its corporate headquarters gallery, 10 West 24th Street from 6:00pm to 8:00pm.



© 2000 KEN FRICK
ALL RIGHTS RESERVED

PROJECT 2000 LIVES ON FOR COLUMBUS MEMBER

A book has emerged as a result of member Ken Frick's 43212-2000 *Grandview Heights and Marble Cliff, Ohio at the Turn of the Millennium* self-assignment. Frick, who is based in Columbus, Ohio, said that the documentary project contained coverage of as many aspects of his community that he could fit into his free time over a year. This included images of the school system, parks and recreation, businesses, faith, annual events, and people of character and those who are characters and a set of prints was to be donated to the local historical society. But Frick and his wife Cindy wanted to add another dimension to their project, so they took the plunge and produced their own book, even though the size their market was barely "ten minutes by five minutes" in size (a comment made by a publisher who turned the book idea down). Frick encouraged other photographers to consider similar projects in their own community. "The rewards go well beyond the photographs we produce," he commented.

NewsLines

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

DIRECTOR JOHN GREIM RESIGNS TO FOCUS ON CO-OP BOARD

National director John Greim has resigned from the ASMP board to focus on his responsibilities as a director of the recently created photographers' and illustrators' cooperative, Creative Eye, and to avoid any perception of a conflict of interest.

In his letter of resignation, Greim said that he made the decision "after extensive deliberation, consultation and with considerable regret. It has been a great honor to serve the ASMP with you and I hope the opportunity will present itself again at some point in the future. I am not leaving and I remain ready and willing to help and support you in any way I can. I also want to offer my sincere appreciation for all the support, encouragement, advice and trust you have provided me both as a board member and on the MPCA committee," he wrote.

BOOK CONTRACTS DO NOT AUTOMATICALLY INCLUDE ELECTRONIC BOOK RIGHTS

The New York Times reports that a federal judge in Manhattan has ruled the term *book* in book contracts does not automatically include electronic books. The article, written by David D.

Kirkpatrick says the decision goes to the heart of a battle over who controls the right to sell digital editions of the great majority of work published the last century.

"The ruling is the latest in a series of verdicts indicating that courts view the Internet as a new and different form of media, not easily governed by the rules of more traditional media," writes Kirkpatrick. He added that the decision is a boon to authors and agents who hope to gain from reselling the digital rights to previously published work.

The judge, Sidney H. Stein of Federal District Court, ruled that

Random House could not block the Internet start-up Rosetta Books from selling digital files containing the contents of eight novels Random House publishes in print. RosettaBooks signed new contracts with the authors for the rights to republish their novels as electronic books, to be bought, to be downloaded and read on a screen. Random House filed suit against RosettaBooks for copyright infringement, arguing the new publications violated its preexisting contracts to publish the novels "in book form." *The Times* reports the case will now go to trial before the same judge, although Random House may seek to appeal the ruling on the preliminary injunction. The full story can be seen at [www.nytimes.com/2001/07/12/technology/ebusiness/12BOOK.html]

WE'RE INNOCENT!

The New York Times and *The Boston Globe* are continuing their PR campaign depicting themselves as the innocent victims in the Tasini decision. *The Globe* continues to print op-ed pieces that show how everyone loses in the Tasini verdict.

However, there is public criticism being directed at *The Times*. *The Village Voice* [<http://villagevoice.com/issues/0128/cotts.shtml>] published this: "...*The Times* has an interesting argument that inclusion in its databases is a service to journalists, according to Ray Dowd, a copyright and trademark lawyer and chair of the Media Law Committee of the New York County Lawyers Association. But on the other hand, he says, "Many writers don't have the slightest clue as to what their rights are. When the head of a union gets up there and whacks a major publisher over the head very publicly," he says, "it should cause writers to take note." Musicians and actors have established their rights; why can't wordsmiths do the same?" In the article, Dowd cautions

that the opportunity to develop bargaining power will be lost if too many freelancers choose the status of writing for publications like *The Times* over the mission of establishing collective rights. "If there's not a sense of solidarity that quality writers won't object to copyright infringement or sign away important rights without compensation," he says, "then the publishers will always get away with it." ASMP's opinion: for writers, read photographers too.

WOMEN IN SPORTS STOCK AGENCY

See Jane Run, claimed to be the first and only stock and assignment photography agency to focus exclusively on images of women in sports, has launched full e-commerce capability on its Web site. The company licenses on-line its rights protected pictures of professional and recreational sports ranging from soccer to mountain biking to walking on the beach. Hillary Sloss, founder and director of See Jane Run, is a photojournalist by training and a lifelong athlete and started the company to blend her love of photography and sports. For information: www.seejanerunpictures.com phone, 415-388-0830.

ROOM FOR SMALLER AGENCIES?

Industry watcher, TrendWatch [<http://www.trendwatch.com>] points out that in the stock image market, bigger might not be better. One of the organization's recent reports states that design and production professionals in the U.S. will use an estimated 5.6 million stock images this year - more than half from CD collections. Less than a quarter will be traditional negotiated-use images. The report says: "In the stock image market, the Gettys and Corbises of the world are going belly to belly (B2B) trying to provide as many images to as many markets as they can. But while all

that sumo wrestling is going on, the huge demand for images, coupled with the independent-minded nature of many creative pros, means there could be room for smaller, nimbler stock companies to stake their claim to well-defined niches and serve those pros who prefer to deal with smaller players. Ever had a 300-lb. giant sit on you? Enough said, we think." This should be encouraging news for smaller, niche agencies such as See Jane Run.

EMAP ACQUIRED BY PRIMEDIA

PRIMEDIA Inc. announced on July 2 that it has agreed to acquire EMAP USA (formerly known as Petersen Publishing) from EMAP plc, forming the second largest magazine company in the U.S. EMAP USA has more than 60 consumer titles reaching over 75 million readers through a combination of magazines, network and cable television shows, Web sites, and live consumer events. Among EMAP's well-known titles are *Photographic*, *Skin Diver*, *Motor Trend*, *Hot Rod*, *Teen*, *Surfer* and *Stereophile*. The properties complement many existing PRIMEDIA products in key niche markets including automotive, teen, outdoor, active sports and consumer electronics. The company is reported to be the leading special interest magazine publisher in the U.S., with more than 230 titles such as *Seventeen*, *New York*, *Fly Fisherman*, *American Baby*, *Telephony*, and *American Demographics*.

According to a company statement, under the terms of the agreement, PRIMEDIA will pay \$515 million for EMAP USA, consisting of \$505 million in cash and warrants to purchase 2 million shares of Primedia at \$9 per share. The transaction, which is subject to customary closing conditions including regulatory review, is expected to close by the end of the third quarter.

WELL KNOWN PHOTOGRAPHER COMMITS SUICIDE

Buffalo, New York, photographer Joe Traver, 48, a past president of the National Press Photographers Association committed suicide June 19, a week after being charged with first-degree sodomy and endangering the welfare of a child. Traver had denied the charges and in a suicide note written on a borrowed computer, said it was his word against his accuser's, a 15-year-old boy he said he had tried to help. He wrote that even if acquitted he would have been "personally and financially depleted." Police had seized cameras, videos and computers when they arrested Traver and searched his home on June 12. Traver, who had pleaded not guilty, was released on bail on June 13. Following his suicide, police stopped the investigation. According to a press report, authorities said Traver went to his death presumed to be innocent. Prior to his death, Traver had received overwhelming support from colleagues and he was described as a very generous person who tried to help others.

Traver had been active with NPPA for more than 20 years and was the association's president in 1994-95. He specialized in sports photography and in 1989 was the Pro Football Photographer of the Year. Traver is survived by his mother. For details see [www.pdnonline.com/].

GETTY'S SECOND QUARTER REPORT

Getty Images, Inc. has announced that it expects revenue for the second quarter ended June 30, 2001, to be approximately \$115 million, which is about four percent lower than projected. After solid performance in April and May, the company's sales in the second half of June were lower than initially expected across all brands and geographic segments, due to a further weakening in the U.S. and global markets served by Getty Images. Jonathan Klein, co-founder and chief executive officer of Getty Images, said the company was confident in its business model but was taking steps to cut costs. Decreasing operating expenses including cutting 300 jobs—from 2,300 to 2,000 worldwide—at the end of the second quarter.

THE NO SLIP STRAP

Have you ever been bothered by your camera or bag slipping off your shoulder? Have you tried all those fancy straps that are supposed to hug your shoulder only to find that they do not work? Then pay a visit to: <http://www.upstrap.com> and take a look at a strap that doesn't slip. How do we know? We tried it! One day in New York ASMP member Jay Maisel noticed that ASMP executive director Dick Weisgrau was continually repositioning a camera that he was carrying as it slipped off his shoulder. Maisel handed Weisgrau UPSTRAP, insisting that he try it immediately. Much to his amazement, Weisgrau could not get the camera to slip off his shoulder no matter how he tried. End result is that we thought members deserved to know about this wonderful problem-solving device. And it is reasonably priced.

What's Hot

New regulation for group registration signed, sealed and delivered!

Here is some great news. The new regulation for expedited registration of groups of published works has been signed by the Register of Copyrights, Marybeth Peters, and the Librarian of Congress, and subsequently published in the Federal Register on July 16. It became effective 30 days after that publication.

The text of the regulation can be found at: [www.loc.gov/copyright/fedreg/2001/66fr37142.html]. ASMP will prepare a detailed guide on how to use this regulation which will be at www.asmp.org before the regulation becomes effective.

"ASMP has been working with the Register's office for expedited registration of photographers for something like ten years. This has been a long, continuous effort and we are delighted to see the results, at last," said ASMP managing director and general counsel Victor Perlman who with executive director Richard Weisgrau met with Peters and her staff on July 11.

During that meeting the details of the Copyright Office's requirements and standards for depositing copies under the new regulation were discussed. Particular emphasis was placed on depositing digital copies. When the new regulation is published, ASMP will incorporate the final information in the Society's guide for registering under it.

"We also examined the current and near future status of registering copyrights on-line at some length. We had detailed discussions of the current and anticipated requirements, standards and limitations on Internet registrations of copyright, application forms, deposits of copies, and payment of registration fees. ASMP and a proprietary service provider are working with the Copyright Office to determine what the Office's minimum requirements will be. Once those are set, between the new regulation and on-line registration, photographers will be in a position to take advantage of the ease, economy and efficiency of the Internet to obtain real copyright protection with a few keystrokes on the computer," said Perlman.

Errors and omissions policy is available

An errors and omissions liability policy at competitive rates is now available to ASMP members through Taylor & Taylor, Ltd. Scott Taylor, the company's senior vice president, said that ASMP members who currently have the Prosurance policy can now purchase the new liability policy which will cover both defense costs and indemnification of claims alleging or arising from copyright infringement. Details have been posted under Members Only section, member benefits at www.asmp.org. Information can also be obtained by calling Olga Medina in New York, 212-490-8511 or Richard Eluetario, Los Angeles, 310 826-7200.

How to respond to non-profits and pleas for photos

It happens all the time. “Hi, I’m Norman from Non-Profit and we need photographs to help our cause. Can you provide us with some.”

Many photographers do help such organizations, because there’s simply nothing wrong in being charitable. It’s a personal choice. But at some stage, most photographers have to draw the line.

A recent plea for marine photographs drew the following opinion from ASMP member and underwater special interest group leader Georgienne Bradley. Said Bradley: “While there are many great causes out there - and many of us may well decide to back one or all of them, this should be done on an individual basis. Non-profit and/or not-for-profit doesn’t usually mean no budget. Quite the contrary, many well respected NPs have large budgets. NP employees and administrators do not donate their time, they receive both salaries and benefits.

“Years ago, I received a telephone call from a seemingly distraught woman begging for images that she could use to put

together an educational program for Alaska school children. She pulled on my heart strings and I agreed. Months later, I received a call from a friend who had recognized our image in a full page advertisement spread in Alaska Airlines’ in-flight magazine. I investigated and found that the ‘educational program’ was being funded by Exxon and a large advertising firm had been hired to launch an educational campaign. I later found that their budget was staggering and I felt like a chump.

“Due to the nature of underwater imagery, a large slice of our stock is well targeted for these educational and not-for-profit markets. While we often offer a discounted price to NPs we still need to make money - so that we will stay in business - so we can continue to provide valuable content/photographic evidence of what is going on under the water’s surface.

“While I still may choose to give usage to an occasional grassroots cause, I don’t believe that giving images away via a blanket mechanism helps anyone, photographer or NP, in the long term.”

Letters to Editor

I read the piece in the March *Bulletin* about the troubles at Robert Tod’s Picture Perfect. A few years ago, Tod asked me to place my images with his agency after I had contributed to several Todtri books. I no longer remember the exact details of just why he made me nervous - something about the careless way he dealt with my photographs in the book projects - but my gut reaction was to say “no.” And now I sure thank my lucky stars that I did so.

That’s a personal aside. My main reason to write is to thank ASMP for articles, research, and advice like this comprehensive piece on how to deal with Tod. We all get ourselves in trouble once in a while. David MacTavish’s piece is filled with the wise, useful, specific, collegial help that can help get us through crises like this one. Being able to read such an article in the *Bulletin*, no matter where members might live, no matter that they might never have attended a chapter meeting or a national event, no matter how disinterested they might be in many *Bulletins*, is an incredible service to the community of photographers. This is exactly why it’s an imperative, a no-brainer, and an appropriate act of faith for every professional photographer to maintain an ASMP membership.

Thanks,
Stephen Trimble

I read Enrico Ferorelli’s Viewpoint piece with almost total agreement. Lord knows that it costs more to take a picture than it ever has, and Lord knows, no one wants to pay very much to buy that same picture. These things never change. The sun rises. The sun sets.

But I think the fact that Bill Gates has locked up the Bettman Archives is *very* interesting. Mister Gates certainly knows a thing or two about licensing intellectual property. It’s the foundation of his fortune. When *he* thinks that the price of stock photography is too low, I think we should listen.

He has essentially pulled the motherlode off the market until the time is right to release it. Sure, Corbis will license the same stock Enrico referred to. But doesn’t that leave the market open for more creative work? Clients call me looking for what they can’t find elsewhere, and I know that there are many other photographers who have created great markets for themselves by not trying to clone the norm.

It’s pretty easy to blame Mr. Gates for a lot of nasty stuff. But, hey, maybe he’s got a point here. If the original 800 pound gorilla can say no, what about us mere mortals?

Eric H. Futran

OurCover

The power and grace of Olympic champion Marion Jones are frozen in time as she competes at the U.S. Outdoor Track and Field championships in Durham, North Carolina. This was her last track meet before heading to the Summer Olympics in Sydney, Australia where she won three gold medals, a silver and a bronze.

Scott Brown made the image for the June 16, 2000 issue of *Sports Illustrated*. Using a Nikon F5 with an AF-S 400 2.8 D lens, Brown set the camera in the rear shutter sync mode and an exposure of f5.6 at 1/250 sec. His film of choice that day was Fuji Provia 100, processed normally. "A bank of two Dyna-Lite 4080 sport heads were set up on my left side of the long jump pit. Each head was plugged into its own 2000 watt second pack and each pack was plugged into a LPA Speed Cyler which fired each pack in alternating frames," said Brown. He said the strobe/fill ratio was approximately one and one half stops off the main exposure with a flash duration around 1/5000 sec.

Brown, who is based in Richmond, Virginia shoots primarily editorial commercial work on location for a variety of clients such as *Sports Illustrated*, Anheuser-Busch, AOL, Busch Gardens, Fleishman Hillard, DDB, Coca-Cola, *TIME* magazine, and the Martin Agency. His many travels have taken him to exciting countries such as Italy, Switzerland, and Ireland, and throughout the U.S. A professional photographer for 13 years, he has been an ASMP member for five years. ∞

FAREWELL KODACHROME 25

The slide film which set the standard for many years is being discontinued. Eastman Kodak recently announced that the consumer version of the venerable Kodachrome 25, first made available in the mid-1930s, will be discontinued later this year. Eastman Kodak began phasing out professional Kodachrome 25 and Kodachrome 200 in the last couple of years. Kodachrome 64, pro and amateur, will continue to be produced and K-14 processing will be supported, Eastman Kodak said. No doubt many veteran magazine shooters will have fond memories of Kodachrome 25 for its sharpness and color. ∞

Classifieds

NOVASTOCK PHOTO AGENCY

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

ANDREW BERGER

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

ROBERT M. CAVALLO

ATTORNEY AT LAW

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

Got the Nicad Blues? Hass-EL Converter™

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

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

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

WWW.Hasselconverter.com

r . richard h o b b s nyc area based

photography location
production scouting-mgt
coordination
casting digitally
services capable

8 0 0 . 3 1 4 . 5 7 0 3
rrhobbs@bigfoot.com
www.rrhobbs.com

Ready for Digital? We Are!

Professional Digital Cameras

Kodak • Fuji • Sony • Nikon

Print and Film Scanners

Imacon • Sony • Kodak
Linocolor-Heidelberg • Nikon

Digital Printers & Supplies

Fuji • Kodak • Sony • Epson
Xerox-Tektronix

Color Management Solutions

LaCie • Linocolor • Praxisoft • X-Rite

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



LOGIX, INC.

734-522-6900
www.logix-usa.com



Authorized Reseller

NewMembers'Zone

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

ATLANTA/SOUTHEAST

PEARL, GEORGE S. GM
C. JAMISON M. LOTHNER

STIVERS, ANDREW R. AS
D. SCHILLING B. MAHONEY

STUART, DAVID AS
B. MAHONEY J. SLEMP

BALTIMORE

HUNT, SHIRLEY A. F
H. MCCRAY H. KORN

LEVINE, ERIKA AF
H. MCCRAY J. HERRMANN

NOBLE, JAMES D. GM
J. GREEN J. HERRMANN

OWEN, PETER TULLY AS
D. HARP R. ANDERSON

SCROGGINS, CHRIS S
H. MCCRAY J. HERRMANN

CAPITAL REGION

GROSSMAN, JEFFREY AS
J. HARRINGTON E. BERGER

CHICAGO/MIDWEST

BELLEW, ODILE AF
R. GOULD N. SCHIERSTEDT

BUSSE JR., RICHARD W. AS
R. GOULD R. WEHMEIER

CHARRLIN, DAVE AS
R. GOULD S. BLAIR

COLLINS, MAUREEN TRAF
R. GOULD N. SCHIERSTEDT

FAILING, FRANK C. AS
R. WEHMEIER G. MARCHMONT

FENWICK, SCOTT AF
R. GOULD N. SCHIERSTEDT

FOGELSON, DOUGLAS REID GM
R. GOULD N. SCHIERSTEDT

FRUM, CARLOS M. AS
R. GOULD N. SCHIERSTEDT

GEYER, MELANIE C. AF
D. MANNING R. GOULD

MCKENNA, BILL AF
R. WEHMEIER D. SEIDE

MUSABJI, VAJIR AF
G. MARCHMONT N. SCHIERSTEDT

MUSSETT, BILL AF
S. BLAIR N. SCHIERSTEDT

RYDZEWSKI, YORRICK AS
R. GOULD R. WEHMEIER

EIDE, DAVID B. TRGM
R. GOULD N. SCHIERSTEDT

SERONI, MICHAEL GM
R. GOULD N. SCHIERSTEDT

WANG, KARINA GM
R. WEHMEIER R. GOULD

SZHANG, LAURA F
R. GOULD N. SCHIERSTEDT

COLORADO

BUTLER, JEFF AF
D. MURRAY R. FORTH

CUNNINGHAM, MARVIN TRAS
J. BLECHA R. DOUGLAS

GORSKI, JANET L. AS
B. NALL R. DOUGLAS

JENSON, JAMES W. AS
J. HALLMARK R. FORTH

WARD, NATHAN T. REAF
E. BELOFSKY N. FOBES

CONNECTICUT

DAVIS, CARYN B. S
P. BILLARD J. GIAMMATTEO

CENTRAL VIRGINIA

LAWVER, ANNE B. AS
E. HORSLEY S. BROWN

DALLAS

DIEKWISCH, THOMAS AS
S. METCALFE L. WOLLAN

MYERS, TODD GM
J. OLVERA P. LACKER

FOREIGN

CHADHA, PROF. HERSH INT
M. PILLA K. REILLY

JODHA, SAMAR S. INT
M. PILLA K. REILLY

SMITH, RICHARD INT
K. REILLY I. RICHARDSON

HOUSTON

HENDERSON, RAYMOND GM
T. MANSKE B. CHAMPAGNE

MCKINNEY, MATT TRGM
N. BAKER R. KNETEN

KANSAS CITY/MID-AMERICA
CARTER, JULIE AS
P. BROKERING D. TEMPLETON

LOS ANGELES

MCKEE, JON AS
B. FRANKEL C. PEFLEY

SUTTA, JENSEN STUD
BROOKS INSTITUTE OF PHOTO.

WELLING, DAVE AF
B. NORTON G. BRAASCH

LONG ISLAND

FEUERSTEIN, RICHARD AF
J. LENNON E. MICHELSON

LANGAN, ROGER F. AF
E. MICHELSON J. POKRESS

PRINCE, RICHARD GM
C. MATUS E. MICHELSON

MICHIGAN

ATKINSON, KARI STUD
LANSING COMMUNITY COLLEGE

LEDFORD, MARCIA AS
J. LACKO B. COLMAN

LIPPITT, DANIEL GM
B. DISCHER D. BURLESON

PERROUD, TIMOTHY J. M
C. BURKHALTER K. KAUFFMAN

MINNEAPOLIS/ST. PAUL
BRATVOLD, RANDY STUD
MINN. COMM/TECH. COLLEGE

KELLEY, BILL AS
J. NOLTNER J. JOHNSON

MESZAROS, SEAN AF
S. RAY I. WERTHMANN

NEW ENGLAND

MORANG, RALPH GM
N. HORTON B. TRUSLOW

QUIN, CLARK REGM
M. MALYSZKO J. DUNN

WEBER, JENNIFER STUD
NE SCHOOL OF PHOTOGRAPHY

NEW JERSEY

BOLASH, GAREN TRREAS
M. PILLA J. WYNN

COZIN, GABRIEL AS
E. DENUTO J. GOLDMAN

MARKS, COLEEN AF
R. RUSSO S. SMYTH

NEW MEXICO

BARONE, ELLEN GM
D. HOUSER B. DUNN

MULLEN, POLLY REGM
C. HERZ P. KOHLMAN

NEW ORLEANS

BRANTLEY, ROBERT S. GM
G. LONG N. JOHNSON

NEW YORK

BASHAW, DAVID GM
M. PILLA J. WYNN

CLEMENTS, JAMES F. AF
W. IOOSS, JR. J. MCNALLY

ESHLEMAN, CHARLES REAF
L. GOLDBERG A. GESCHEIDT

FREUDENSTEIN, ERICA GM
I. RICHARDSON K. REILLY

HECKER, ROCHELLE TRREAF
M. PILLA J. WYNN

HERNANDEZ, ROBERT BELLA AF
T. WERNER B. KATZ

SCHOLZ, WILHELM M GM
W. RIVELLI H. MARCUS

VAN LAMSWEERDE, INEZ GM
K. REILLY I. RICHARDSON

NISHINO, GEN GM
K. REILLY I. RICHARDSON

WATANABE, HAJIME GM
T. WERNER B. KATZ

NORTH CAROLINA

ASHWORTH, KAREN AF
J. CIARLANTE B. BACHMANN

GRIFFIN, DREW P. TRREGM
C. GUPTON S. GRIFFITHS

YATER, MARTHANNA TRGM
G. PLACHTA S. GRIFFITHS

NORTHERN CALIFORNIA

CANFIELD, ROBERT L. GM
S. WHITTAKER M. BEEBE

ERICKSON, JIM GM
C. IRION J. KARAGEORGE

IHLE, DEL AS
L. PRESTON G. LIABRAATEN

LANE, CHRIS STUD
*UNIVERSITY OF CALIFORNIA,
SANTA CRUZ*

O'CALLAHAN, MICHAEL GM
S. WHITTAKER B. SWANSON

SCOTT, FARRELL STUD
CITY COLLEGE OF SAN FRAN.

VALCKENIER-DE GREEVE,
MICHELLE STUD
CITY COLLEGE OF SAN FRAN.

OHIO VALLEY

VY, RUBY STUD
ANTONELLI COLLEGE

SIMMONS, BRAD REGM
B. FEINKNOPF G. ANDERSON

PHILADELPHIA

CRAMER, BILL TRGM
M. PILLA J. MILLEVOI

ANGEL, KIRSTEN M. STUD
UNIVERSITY OF DELAWARE

KANG, JUYOUNG STUD
TEMPLE UNIVERSITY

KARASHOFF, HOWARD GM
K. REILLY I. RICHARDSON

IRAUCH, MARIKO STUD
ANTONELLI COLLEGE

MONTI, MICHAEL STUD
COMM COLLEGE OF PA

PITTSBURGH

DUTKOVIC, WILLIAM REGM
J. WOLF R. KELLY

DOLDER, JESSICA STUD
ART INSTITUTE OF PITTSBURGH

FABIAN, TIMOTHY M. TRREAS
R. KELLY R. ENGELBRECHT

O'BRYON-WELPOTT, MOLLY TRGM
J. WOLF R. KELLY

OREGON

BURCH, DAVID GM
J. HART M. DAHLSTROM

CALVILLO, JUAN J. REGM
J. HART M. DAHLSTROM

MIGLAUS, JANIS GM
C. HAZEN A. NANCE

STRONG, CRAIG GM
J. HART C. HAZEN

SUTHERLAND, JONAH AF
M. DAHLSTROM J. HART

SOUTH FLORIDA

BROWN, LAURIE STUD
ART INST. OF FT. LAUDERDALE

CADIEUX, BILL STUD
ART INST. OF FT. LAUDERDALE

COLLIER, DEBORAH STUD
ART INST. OF FT. LAUDERDALE

CRUZ, XIOMARA STUD
ART INST. OF FT. LAUDERDALE

GONZALEZ, MERCEDES STUD
ART INST. OF FT. LAUDERDALE

HARRIS, RAMONA STUD
ART INST. OF FT. LAUDERDALE

NAUMAN, JOHN T. STUD
ART INST. OF FT. LAUDERDALE

SEATTLE/NORTHWEST

BOBO, CAROL REGM
MEMBERSHIP COMMITTEE

GUSTIN, HERBERT AF
J.F. HOUSAL D. BUSHER

HAASE, MATT STUD
SEATTLE CENTRAL COMM. COLL.

JENKINS, CASSIE AF
D. BUSHER J. ROSS

MANABE, RIKA STUD
SAN JOSE STATE UNIVERSITY

SHARP, KEVIN AF
S. FITZHUGH K. CRUFF

SHAW, VICTORIA M
C. CONRAD D. BUSHER

ST. LOUIS

BIRGER, RICK TRGM
D. DONOVAN D. ULMER

BLOMBERG, MIKE STUD
WEBSTER UNIVERSITY

GANNAM, THOMAS A. TRGM
D. DONOVAN D. ULMER

JONES, SARAH M. TUD
WEBSTER UNIVERSITY

MALACARNE, CHRIS AF
J. RINEHART D. ULMER

MULLINS, TEVE S. STUD
WEBSTER UNIVERSITY

STELZER, STEVE GM
J. RINEHART D. ULMER

SKROBONJA, SUSAN J. STUD
WEBSTER UNIVERSITY

TENNESSEE

BYRD, BRIAN T. STUD
MIDDLE TENNESSEE STATE UNIV.

MENARD, JOHN H. AS
D. BARNETTE J. BROWN JR.

UTAH/MOUNTAIN WEST

NIELSEN, JENS BACH SUS
B. BAUER S. GRAFF

WESTERN NEW YORK

MANSON, SHERI STUD
ROCHESTER INSTITUTE OF TECH.

MURDOCK, WALTER STUD
ROCHESTER INSTITUTE OF TECH.

STRATEMEIER, WILLIAM STUD
ROCHESTER INSTITUTE OF TECH.

ADVERTISEMENT

ADVERTISEMENT