

ASMP Bulletin

OCTOBER 2001



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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.

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ASMP Bulletin

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THE PURPOSE OF ASMP

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

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NEW MEMBERS, CLASSIFIEDS



OUR COVER

Judy Herrmann and Mike Starke created *Tightrope Walker* on an Olympus E-10 digital camera. See page 22.

OUR ROAD MAP

A new mission statement and strategic plan BY DAVE HARP

“We will create a sustainable system of information, advocacy and communication designed to empower independent publications photographers”

It's often healthy to shift gears, to go slower or faster depending on the conditions and the terrain or even to change directions once in a while. This is true for a relationship, a business or an association like ASMP. For the past six months, our staff and board have been contemplating some changes in our Society that will do just that; the terrain is changing and it's time to compensate by changing our course a bit.

Our road map is a new mission statement and strategic plan, which the board will finalize at the November meeting in Philadelphia. It's a work in progress at this time but is coming together nicely with a broad consensus of board members. With this mission statement and strategic plan, we are looking forward two to five years at most because we've learned that the whole landscape can become unrecognizable in an amazingly short time.

With the new plan, we will inform, advocate and communicate to our members and to the photographic community at large by building on time-tested methods from our past and effective new methods made possible by the digital revolution. In the future, I will announce operational programs that bring our new direction to life, but for now here are the highlights of the new plan:

We will inform by developing Internet-based systems for the creation, collection and distribution of information to members and the industry at large, with advice on how to use this information to our advantage. We will also create position papers and work with corporate management to create policies that are fair to all parties and expand our support of individual members with legal or business problems. We will also distribute information that is valuable to photography buyers on our Web site.

We will advocate by supporting the Creative Eye cooperative and any other collective licensing efforts as long as their goal is to preserve the value of the images they license and return as much value as possible to creators. We will also expand monitoring of legal, legislative and regulatory bodies and continue to advocate our point of view at the federal, state, and local levels whenever the need or opportunity arise.

We will intensify educational efforts by supporting the ASMP Foundation's programs to educate college students and working

professional photographers while providing web-based educational programming for the professional publications photographer. And we will demonstrate the power of photography to communicate emotions, facts and fantasies.

We will continue to work with other organizations to promote a better public understanding of the value of photographers and their images as well as the importance of copyright. Together, these programs cover economic advocacy, legal advocacy, educational advocacy and social advocacy. No organization has covered these subjects as well as we have for the past 50-plus years, but we pledge to improve our efforts nonetheless.

We will communicate by improving our interaction with our members and the creative community through an increased Internet presence, reporting all events and developments that might affect them. We will also increase our service to members by improving our Web-based system to help picture buyers locate suitable photographers and images.

We recognize that the threat on the rights of independent creators will increase as it has in recent history, and that we need to develop the financial resources necessary for our information, advocacy and communication needs.

Regardless of what this plan looks like after the November board meeting—and I don't expect it to change much from what I've written here—the three purposes of ASMP will remain unchanged. They are: *To protect and promote the interests of photographers whose photographs are primarily for publication, to maintain and promote high professional standards and ethics in photography, and to cultivate friendship and mutual understanding among professional photographers.*

This new plan sharpens the focus on those purposes and will help us fulfill the promise of the digital age. If we continue to work together, it will assure each of us a future as independent publications photographers. ∞



Dave Harp
ASMP president
and chairman of the board

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A PRIMER ON NEW REGULATIONS

As of August 17, 2001 photographers may make group registrations of published images under newly enacted additions to the Copyright Office's regulations. Previously, such registrations were very limited by strict rules. The amended regulations are a result of cooperation between ASMP and the U.S. Copyright Office, which recognized the need to make it easier for media photographers to register their images that are most vulnerable to infringement: those that have been published. This regulatory change took nine years to accomplish. The Copyright Office has indicated a willingness to make more changes to simplify registration of all types of creative works in the future, including the ability to make registrations under this regulation over the Internet.

If photographers are to be taken seriously in these future efforts, it is critical that they use this liberalized registration process to show that they appreciate and respond to efforts made on their behalf. Please begin a routine process of registering your published images. It will not only insure you in case of future infringements, but it will also assure that your voice will be heard in efforts to gain more improvements in copyright policy.

These changes in the Copyright Office's regulations have made it possible for photographers to register most, if not all, of their published images in a convenient and inexpensive manner. The benefits of registration, which include the eligibility for court awards of statutory damages and attorneys' fees, make registration an important asset in the photographer's arsenal of tools to protect the value of his or her work.

Registration is a powerful tool when you have to enforce your rights, and it often determines whether you are able to file a suit for infringement. ASMP believes that it is in every photographer's best interest to register his or her images.

This primer is intended to guide photographers through the process of registering groups of published images under the new regulation.

This information can be downloaded from the ASMP Web site (www.asmp.org) and a "frequently asked questions" section has also been set up to address additional concerns.

MANDATORY REQUIREMENTS TO REGISTER UNDER THE REGULATION ARE:

I. The image(s) to be registered must have been published.

- What is registration? Registration is recording of your claim to the copyright in an image with the U.S. Copyright Office. You do not have to register to own a copyright. Registration is a means

of proving that you own the copyright. It is also required before you can file a lawsuit for infringement. Registration has potential value, if your work is infringed (more information on the benefits of registration is at [www.asmp.org/information/guides/copyrightguide.html]).

- What constitutes publication? First, let's understand what publication is not. Neither the display of photographs in public or private places nor the transmitting of your work to a place where it will be displayed constitutes publication. "Display" is different from "publication." The U.S. Copyright Law states: "Publication" is the distribution of copies....of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies....to a group of persons for purposes of further distribution, public performance or public display, constitutes publication." Under this definition the normal uses of media photography in objects like magazines, books, brochures, and advertisements constitute publication. Offering images to your stock agency "for purposes of further distribution" should usually also be considered publication. The placement of an image on the World Wide Web constitutes publication.

II. One copy of each image to be registered must be deposited.

- What is an acceptable copy of an image for purposes of deposit? The copy of the image to be deposited must be a copy of the actual image that was published. Note, it is not necessary to deposit a copy of the image AS PUBLISHED, so copies of the work in which your images were published are NOT required. They are acceptable but not required.

- Is a deposit copy mandatory? YES, no exceptions.

- What formats are acceptable for registration? The Copyright Office has specified the acceptable format by the following language in the regulation: "photographs must be deposited in one of the following formats (listed in the Library's order of preference):

- (A) Digital form on one or more CD-ROMs (including CD-RWs) or DVD-ROMs, in one of the following formats: JPEG, GIF, TIFF, or PCD;

- (B) Unmounted prints measuring at least 3 inches by 3 inches (not to exceed 20 inches by 24 inches);

- (C) Contact sheets;

- (D) Slides, each with a single image;

- (E) A format in which the photograph has been published (e.g., clippings from newspapers or magazines);

- (F) A photocopy of each of the photographs included in the group, clearly depicting the photograph, provided that if registra-

tion is made pursuant to Sec. 202.3(b)(9) for group registration of photographs, the photocopy must be either a photocopy of an unmounted print measuring at least 3 inches by 3 inches (not to exceed 20 inches by 24 inches) or a photocopy of the photograph in a format in which it has been published, and if the photograph was published as a color photograph, the photocopy must be a color photocopy;

- (G) Slides, each containing up to 36 images; or
- (H) A videotape clearly depicting each photograph.”

III. The copyright claimant in all of the photographs must be the same.

- Who is the copyright claimant? The person who owns the copyright in the images is the copyright claimant. This is the photographer unless he or she has transferred the copyright to another party or performed a *Work For Hire* (more information on Work For Hire at www.asmp.org/information/guides/copyright-guide.html). You do not have to be a citizen of the USA to register images with the U.S. Copyright Office.

- Can you submit the work of other photographers on your registration, if you own the copyright to their images? No, you cannot. All the photographs registered in the group must be the work of one photographer.

IV. The registration fee must accompany the application and deposit.

- What is the amount of the registration fee? The fee is \$30.00 (U.S.).
- What is the application? The application is the Copyright

Office Form VA, which must be completed carefully. Instructions for completing this form and copies of the form can be found at the ASMP’s Web site www.asmp.org/information/guides/registration.html or at the U.S. Copyright Office’s Web site: www.loc.gov/copyright/reg.html under the heading “Visual Arts, Drawings, Photographs, Sculpture...”

V. The application form (VA) must be properly completed.

- What are the critical factors in completing form VA? To be accepted by the Copyright Office, the form must be completed properly. Please make special note of the following requirements, which are MANDATORY for the completion of form VA for the purpose of group registration of published images.

1. In space 1 at *TITLE OF THIS WORK* you must enter the following words: “GROUP REGISTRATION / PHOTOS.”

2. In space 1 at *PREVIOUS OR ALTERNATIVE TITLES* you must insert the approximate number of images included with the application, for example, you might state: “app. xx photographs” where xx is the approximate number of images included.

3. In space 3b you must insert a date of publication according to the rules of the regulation (see next question).

- What are the rules for recording the date of publication (space 3b of form VA)? The regulation requires recording the date of publication differently for different circumstances. The regulation orders:

1. If the photographs were all published on the same date: “the date of publication must be identified in space 3b of the application.”

cont. on p. 10

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A Primer on New Regulations *cont. from p. 9*

2. If the photographs were not all published on the same date: “the range of dates of publication (e.g., January 1-December 31, 2001) must be provided in space 3b of the application, and the date of publication of each photograph within the group must be identified either on the deposited image or on a continuation sheet, in such a manner that for each photograph in the group, the date of publication can be identified. A special continuation sheet for registration of a group of photographs shall be made available by the Copyright Office.” [Note: This is not available as of the time of this writing].

3. If each photograph within the group was first published within three months before the date on which an acceptable application, an acceptable deposit, and the applicable fee are received in the Copyright Office: “the applicant may, simply state the range of dates of publication (e.g., February 15- May 15, 2001) in space 3b of the application, without specifically identifying the date of publication of each photograph in the group either on the deposited image or on a continuation sheet.”

ASMP’S ADVICE ON TIMELY REGISTRATION

To obtain the full benefits of registration, images must be registered either before an infringement takes place or within 3 months after the date of first publication. If one registers within the 3-month period, the registration will provide full benefit, even if an infringement has occurred prior to the actual registration. This means that photographers should adopt a routine of registering periodically and on a regular basis to take advantage of the three months window and the benefits that go along with it.

In paragraph V. 3. above, the regulation makes a special allowance for images that are registered within the 3-month period, by allowing that the required publication dates may be a range of the 3-month period. This eliminates the need to track and record the publication dates of the works individually. This means less administrative hassle for the photographer. This “range of dates” is much simpler to record than “specifically identifying the date of publication of each photograph in the group.”

So, ASMP’s advises that photographers register their images within the “ three months after the date of first publication” period. In doing so, keep in mind that a day can make all the difference in the world. Registration is made on the day that the Copyright Office receives your application. So, if your application for a 3-month period arrives two days after the close of that period, you have not met the requirement. Remember that the works published from at the start of the period are older than those published at the close.

For example, if your application were for images published during the period of February 15-May 15, 2001 but was not received at the copyright office till May 17,

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you would have missed the 90-day period by two days since the registration calendar started turning on February 15. **DO NOT MAKE THAT ERROR.** It could be costly.

ASMP recommends that photographers register their images more frequently than the maximum allowance of three months. In fact we recommend every two months to be very safe. This allows time for the application to be received at the Copyright Office and for you to receive the customary acknowledgment from the Office. Additionally, it allows some time act if the registration has not been received at the Office or misplaced by the office. We recommend that you send all registration applications to the Copyright Office by a carrier that offers proof of deliver. U.S. priority mail offers proof of delivery for a nominal additional charge over the postage fee, and allows you to confirm the delivery via an 800 phone number or via the Internet. If you accept this recommendation you will be registering six times a year. The annual costs of the registrations will be \$180. It could be the best insurance you will ever buy.

COPYRIGHT REGISTRATION FREQUENTLY ASKED QUESTIONS AND ANSWERS

Periodically, we will post these questions and their answers at the ASMP Web site. If, after reading the new copyright registration regulation and primer, you have a question, please send it via e-mail to Info@asmp.org.

Q: Can I register several years' worth of published photographs at one time by creating a new group of work that could be titled something like "published images 1990 to 1995."

A: This question is answered in the Regulation (www.asmp.org/information/guides/registration.html):

(iii) The photographs in the group must have been published within the same calendar year.

(iv) If the photographs in a group were all published on the same date, the date of publication must be identified in space 3b of the application. If the photographs in a group were not all published on the same date, the range of dates of publication (e.g., January 1-December 31, 2001) must be provided in space 3b of the application, and the date of publication of each photograph within the group must be identified either on the deposited image or on a continuation sheet, in such a manner that for each photograph in the group, the date of publication can be identified.

This means that you can take ONE year's published photos and publish them in a group, but not more than one year's worth per registration. Unless you qualify for the exception that applies to photos published within three months before the registration, you have to identify the dates of publication.

If you are registering a year's worth, your date on the form will be a range, such as "January 1, 1990 to December 31, 1990," and the date of publication will have to be shown either on the copy of each photo being deposited or on a continuation sheet.

Q: Can I register images that were published 10 or 15 years ago under the new regulation?

A: Yes. You just have to remember (1) that each registration can't cover more than one year's published photos, and (2) that you need to give the date of first publication for each photo. If you do not have an exact date of first publication, you can make use words like "approximately," "on or before," "on or about," etc. to accompany your best estimate of the actual date for each photo.

MORE INFORMATION ON COPYRIGHT

Additional information on Copyright can be found at the following URLs.

- *Copyright Guide For Photographers:*
www.asmp.org/information/guides/copyrightguide.html
- U.S. Copyright Office Home page:
<http://www.loc.gov/copyright>
- General information on registering photographs:
www.asmp.org/information/guides/pdf/fl107.pdf
- Application and instructions for form VA:
www.asmp.org/information/guides/pdf/formvai.pdf
- Group registration amendment:
<http://www.loc.gov/copyright/fedreg/2001/66fr37142.html> ∞

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ASMP—WHY BELONG?

Legal stuff—who would you call? And other benefits BY JUDY HERRMANN

Almost every time I get a call from a potential member, a question hangs over the conversation. Sometimes it's stated openly, even belligerently, sometimes it remains unasked, but we dance around it just the same. What will belonging to ASMP do for me? How will it benefit my company? What will I get for those dues I pay? Why join? Why renew? Why belong? Even though most of the people reading this are already members, I think it's important that we all take a moment to think about why we belong to ASMP and why we should encourage other photographers to join

We all know the more abstract benefits—ASMP is a great cause. Our dues help fund legal battles that protect our rights, they help lobby for and against legislation that affects copyright protection, they make sure that those magazines, newspapers, major corporations and stock agencies that put out bad contracts know that an organization representing over 5000 voices will not stay quiet. I call these benefits abstract, but they are only abstract to us because, so far, we've been lucky. For Chuck Gentile, having ASMP on his side when facing down the Rock & Roll Hall of Fame was anything but abstract. For Penny Gentieu, ASMP's help as she battles the actions taken by Tony Stone (Getty Images) her so-called "agent," has tremendous meaning.

Think about it—what if you were them? Who would you call? And if that's not enough to give you pause, check out the September 2000 *Bulletin* which contains an impressive list of ASMP's efforts

to protect photographers' rights.

But, says that voice on the phone, either aloud, or just in the pauses, "What am I gonna get, NOW?"

In addition to constantly fighting the good fight, ASMP offers members significant discounts on a wide range of products and services that nearly every photography business can use. Not only do members have access to health and dental insurance through TEIGIT and disability and equipment insurance through Taylor and Taylor, but ASMP also provides discounts on travel through Summit Travel, office supplies through Pennywise, delivery services through both Federal Express and Airborne, and phone services (long distance through Telcom and cellular through Sprint PCS).

ASMP members can also use the services of Directory Assistance Plus, a talent search agency and, though we all wish it weren't necessary, the NCS Collections Agency.

And, if that's not enough, members receive as benefits or get discounts on ASMP publications such as the *Business Bible*, the numerous white papers, and the *Bulletin* which are packed full of business/legal advice. Members also have access to both the members-only Internet forum at ASMP's Web site [www.asmp.org] and experts at the national office, both of which offer business counseling and ways to help you through crises ranging from copyright infringement to contract violations. Around the country, members are getting work through the Web-based *Find a Photographer* service, an ASMP members-only benefit.

To take advantage of any of these benefits, simply contact the national office.

Finally, there's what you get on the chapter level. To a large extent, that part's really up to you. Right now, we have a small core group of people who are working really hard to develop and produce programs and events to educate, inspire, and entice you to become more involved. We are always looking for more help. If

"One of the great benefits of ASMP membership is the network of colleagues."

you have an idea for something that would make you feel like you've really gotten your money's worth, I (or your local chapter president) want to hear it. If you can spare half an hour to pick up ice or rent chairs for a meeting, you'll have your chapter leaders' gratitude. If you don't know anyone and feel uncomfortable coming to meetings, call your chapter president and I am sure he or she will introduce you to others.

For me, every time I send my nine-pound portfolio/shipping case combo out via FedEx priority overnight to the West Coast, I save about \$23 round-trip. Between portfolio shipments, bringing supplies in and shipping stuff out for clients, the savings I get from the FedEx and Airborne discounts alone more than pay my annual dues.

The business referrals I've received from members, go far beyond even that. One of the great benefits of ASMP membership is the network of colleagues, in your own region and nationally or internationally. So, there's the fact that I can call a fellow member—anywhere in the world—for advice, assistant referrals, location recommendations, or answers to any questions I might have.

Finally, there's all those abstract benefits, 'cause there but for the grace of God...and when it's my turn, I know where I'm going to turn for help. For all these reasons and more, I know why I belong, why I'll renew, and why I'll continue to encourage every photographer I meet to join. ∞

Judy Herrmann, of *Herrmann + Starke Digital Photography*, Baltimore, Maryland, is president of the Baltimore chapter of ASMP.

ASMP AT PHOTOPLUS—BOOTH 2209

• HARNESSING THE WEB

The World Wide Web is no longer a curiosity or fashionable gimmick for ego-driven sites. The Web has grown to be a prime business-to-business medium enabling 24-hour contact and an almost instantaneous method of delivering portfolios, stock submissions and finished work. It's the place of commerce and has become the single biggest influence on modern day business. Photographers cannot afford to ignore it or be short-sighted in their utilization of it.

That, in a nutshell, is the philosophy of Internet authority James Cook who will present the ASMP-sponsored seminar *To Web or not to Web* at PhotoPlus East at the Javits Center, Friday, November 2, 10:15 am - 12:15 pm.

"What's holding you back from being a part of this incredible information revolution? Like it or not, it's time to sink or swim," he said. So, come along and get your imagination fired up!

With his eyes still glazed from his digital crystal ball, Cook has more ideas than there's time for. Speaking as a proponent of getting "Internetized," his presentation provides sound evidence why every working photographer should have a Web presence and demonstrates a variety of ways that photographers can use a Web address.

"Come and see how you can make the Web work for you today and start making plans for how you can use it tomorrow. There will be loads of tips on planning, designing and running a site, plus ways to get visitors to the site and how to keep them coming back. You'll also learn to use e-mail more effectively for sending and receiving messages and how to transmit images—or not," said Cook.

He also urges photographers not to be deterred by technophobia. "The whole program is presented in terms you can understand even if you don't know your RAM from a ROM in the head," he said.

James Cook is a past president of the Colorado chapter, a past member of ASMP's national board of directors and served two terms as national secretary. He twice chaired ASMP's technology committee and served on APA's National Digital Advisory Council. In 1985 he founded HindSight Ltd, developer of InView & StockView and a number of other software products oriented around the graphic arts.

• MEMBERS' RECEPTION

ASMP will be represented by directors and staff at PhotoPlus Expo, November 1-3, so come by booth 2209 and say hello.

In addition to the afore-mentioned seminar by James Cook, there will be a members-only reception on Friday, after the show closes, 5:30 p.m. - 7 p.m. If you haven't received information about that and would like to come along, check out the members-only section on-line or get in touch with Shannon Walsh (walsh@asmp.org). If you're at the show, come to the booth for details. **Note:** Please bring your ASMP membership card to attend the reception. The reception is being sponsored by: Kodak Professional—Booth #1219; Fujifilm Professional—Booth #1401; Serbin Communications—Booth #2125; Epson—Booth #219.

• APSG MEETING PLANNED

A meeting of the Architectural Photographers Specialty Group, ASMP.APSG is also planned for Friday, November 2, 1 p.m.- 4 p.m. and members interested in attending should contact group leader David Seide (DBSeide@aol.com) so accurate numbers can be obtained. This will determine meeting room arrangements.

Shorttakes

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

BEST-SELLING IMAGE DISAPPEARS FROM JACK ZEHRT'S SCREEN

Veteran ASMP member Jack Zehrt has raised an interesting issue. Over the years, his image of the U.S. Capitol has been sold by FPG International 121 times as per their monthly sales reports to him. However, said Zehrt, since VCG and Getty bought out FPG “there has never been a reported sale to me of this image... at least for the past two years. Wonder why? I could list the disappearance from my recent sales reports of many other best sellers by FPG. Six months’ of international sales reports had also disappeared. In a letter from Sarah Whiteside of Getty about the international sales reports problem dated April 5, 2001, I was told payments would

be ‘on their way shortly.’ I’m still waiting!” Zehrt wonders if other members have seen sales of previously best-selling images drop from sight, or are no longer being reported, after their agencies were acquired by large corporations.

SERVESAFE.NET: IMAGE PROTECTION SERVICE TO THE INTERNET

ServeSafe.net a Web-based image security service enabling Web site content owners to protect their digital pictures has started operations using the Clever Content software from Alchemedia. According to an announcement from the Dallas-based company, each image protected and served by ServeSafe.net cannot be screen captured, printed, directly linked to or saved.

JAY ASQUINI RECOVERING FROM SERIOUS NECK INJURY

Spare a thought for well known Michigan photographer Jay Asquini who suffered a serious neck injury in a fall from a ladder while trimming trees at his home in August. Asquini, a former chapter president and national director, went through several surgeries as doctors battled to save his life and repair spinal damage. His longtime friend and colleague Junebug Clark set up a Web site to keep the thousands of concerned members of the photography community apprised of Asquini’s progress and all details and numerous images can be seen at [www.mooreclark.com/Pages/JayAsquini.html].



©2001 Junebug Clark

**“Tell ‘em I’m having an incredible experience.”
Jay Asquini 8/29/2001 9:10am**

“ServeSafe.net enables photographers, illustrators, artists and designers to place their best work

on the Web, while at the same time, freeing them from the fear of having their intellectual property stolen,” said Allen Harris, ServeSafe co-owner. Pricing for ServeSafe.net begins at \$10 a month and will be based on the number of images stored. For information, e-mail: [allen@serveSAFE.net].

MEMBER WINS SATW AWARDS

The Society of American Travel Writers, western chapter, has awarded ASMP member Mary L. Peachin of Tucson, Ariz., its “Sweepstakes” award for winning the most categories in its annual writing/photography competition for 2000-2001. Peachin shares these honors with the editors of the *Philadelphia Inquirer*, *Dallas Morning News*, *Tucson Lifestyle*, www.peachin.com, and Lonely Planet Images. She garnered awards for magazine writing (over 1000 words), newspapers (over 1000 words), photography (self-illustrated articles), and Internet publishing (www.peachin.com).

AT 81 MARION WARREN PRINTS IMAGES FROM THE PAST

In 1987, Marion Warren an ASMP member since 1960 and a former Navy photographer, donated more than 100,000 black-and-white negatives to the Maryland State Archives, thus assuring that his legacy would live on through his images. And now, some 14 years later and at 81, Warren has gone back to his darkroom to print many of his favorite images made throughout a career that spans more than six decades. Resulting from that enterprise was a recent exhibit titled *A Retrospective Vision* which ran through September 12 at The Mitchell Gallery, Annapolis, Maryland. This was a sequel to other recent major projects, his books *Bringing Back the Bay* and an extensive portrait project, *Friends and Neighbors*. As his daughter Mame wrote in a description of her father’s work: “From the farms of rural Missouri where he grew up to the deck of a skipjack plying the choppy waters of the Chesapeake, Marion Warren has borne witness to his time and place and we are all the richer for his vision.” For more of his work and other information, [www.mewarren.com].



Marion Warren photographed against a backdrop of one of his signature images, the Chesapeake Bay Bridge.

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News**lines**

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

LEE SCHULMAN RESIGNS AS ASMP DIRECTOR

Citing personal reasons, Lee Schulman of Pickerington, Ohio, has resigned from the ASMP board. His letter of resignation was sent to president Dave Harp who told Schulman “your voice has been an important one on our board and your time with us is greatly appreciated. Thank you for your service to ASMP.” At writing, no decision had been made on a replacement for the remainder of Schulman’s term which ends 2003.

LEGAL ACTION FUND PRIZE WINNERS

The drawing for major items in the ASMP Legal Action Fund was held as this issue of the *Bulletin* was going to press. As mentioned in the September *Bulletin*, it had been intended to announce the winners in this *Bulletin*, but to allow more members to participate it was decided to have the drawing in October. Watch the November *Bulletin* for the results.

Many thanks to the following who recently have contributed to the fund: Thomas Benincas, \$25; Michael Cardacino, \$100; Susan Carr, \$50; Gary Cialdella, \$50; Paul Figura, \$50; John Foraste, \$50; Carlos Frum, \$25; John C. Goodwin, \$25; William Gottlieb, \$100; Matt Herron, \$275; Jerry Howard, \$25; Ron Jautz, \$25; Whitney Lane, \$50; David Madison, \$100; Barrie Rokeach, \$100; Stanley Rowin, \$37; Stephen L. Saks, \$25; Herb Segars, \$100; Erika Stone, \$50; Susan May Tell,

\$50; Heidi Thorne, \$20; Aneal Vohra, \$50; Robert Wiley, \$200; Werner Wolff, \$50.

NATIVE VISION WINS AWARD FOR SCOTT SPIKER

Montana photographer Scott Spiker has won the grand prize, and \$1,000 in the Banff Mountain Photography competition for his image, *Native Vision*. The image is of a Blackfoot Indian in full headdress with tepees in the background of a sage covered plains landscape east of the continental divide in Montana. Spiker made the image while working on a personal project involving the Blackfoot people near the town of Browning. The photograph will be exhibited at The Banff Center in Banff, Alberta, Canada, November 2001 through October 2002 and the Museo Nazionale Della Montagna in Torina, Italy, during the winter and spring of 2002. The juried competition drew more than 2,200 entries from 18 countries. The event was sponsored by the Banff Centre for Mountain Culture, Eagle Creek Travel Gear and the National Geographic Society.

ROBERT CAPA DOCUMENTARY TEAM SEEKS INFORMATION FROM COLLEAGUES

AMERICAN MASTERS, the award-winning arts and culture biography series produced by WNET/THIRTEEN for national PBS broadcast, is in the research and development phase for a 90-minute documentary film on the life of Robert Capa (1913-1954), the renowned war photog-

rapher who devoted his life to creating the visual legacy of five wars.

The producers hope that by contacting colleagues who had personal connections with Robert Capa, or direct knowledge about his life and/or work, they will be able to enhance our film with exclusive stories and original materials.

If you knew Robert Capa and have any evocative stories, photos, audio recordings or moving images, the producers would like to hear from you. “If you or anyone in your family was ever the subject of one of Capa’s photographs, please tell us your tales of working with Capa or the anecdotes that have been told to you,” said Joanna Rudnick who is gathering information for the project.

Ms. Rudnick and the American Masters: Robert Capa Project can be reached at 1-800-426-7027, ext. 2966 or by e-mail at [Rudnick]@thirteen.org].

TOUGH TIMES FOR MAGAZINES

The downturn in the economy has really hit small magazine publishers. According to *The Wall Street Journal*, “if times are tough for big magazine publishers like Time Inc. or Condé Nast Publications Inc., they’re brutal for the smaller, mostly private companies that make up the bulk of the industry.” Across the board, magazines are feeling the effects of the huge decline in advertising, especially in the technology sector. The decline in ad revenue is compounded by rising costs, such as postage. A significant problem is that smaller companies with a few titles rely heavily on a small group of advertising

categories. As an example, *Rolling Stone* has seen a decline of 21 percent in ad pages through July by comparison with the same period in 2000 says the Publishers Information Bureau. One of the upsides is that smaller publishers are going through cost-cutting exercises, seen by some as a good and healthy exercise. Adding to the magazines’ predicament is competition: the number of magazines on newsstands has reached a 10-year high.

In an earlier story, *The Journal* reported that because there are so many media outlets—in television and print—advertisers are controlling the shots. As advertisers have more choices they, or their agencies, are able to be more aggressive in getting the most from their budgets. *The Journal* used Interpublic Group, the world’s largest advertising holding company as an example. The company said it would pool more than \$40 million in global ad-buying in a bid to get better pricing for clients.

INTERNATIONAL IMAGING INDUSTRY ASSOCIATION FORMED

The Digital Imaging Group and the Photographic and Imaging Manufacturers Association have completed a merger to create the International Imaging Industry Association (I3A), claimed to be the world’s largest imaging industry group. The new association’s leadership will include executives from the two former organizations. Its co-executive directors will be Lisa Walker and Michael Nier. I3A is based in Harrison, New York.

NEW YORK CHAPTER TO HOST NOVEMBER 6 CREATIVE EYE PRESENTATION

Organizers are hoping for a large attendance for a presentation on the photographers' and illustrators' cooperative Creative Eye in New York city on November 6. The event, being hosted by the New York chapter of ASMP, will be held in the Grand Ballroom, The Puck Building, 295 Lafayette Street, from 7-10 p.m.

Also, Creative Eye will have a booth at PhotoPlus East, New York from November 1 -3. Representatives of Creative Eye are presenting information to numerous other chapters and dates and locations include: October 16, San Francisco; October 17, Portland, Ore.; October 18, Seattle; October 22, Los Angeles; October 23, San Diego; November 6, New York City; November 13, Boston; November 15, St. Louis; November 17, Chicago; November 27, San Antonio; November 29, Houston; December 11, Northern New Jersey. Presentations at other chapters are planned but dates were not finalized at printing. For specific and latest details, please see www.creativeeyecoop.com or contact your chapter.

DURABLE GOODS ORDERS FALL

This economic news probably won't come as a surprise: new orders for durable goods, especially in technology products fell in July. The Commerce Department reported that total orders for durable goods—those meant to last three or more years—fell 0.6 percent in July from June. June's drop was revised to 2.6 percent from the originally-reported 1.7 percent. However, transportation durable goods orders were up, led by motor vehicles but technology orders fell 4 percent leaving them down 36 percent from a year earlier. (Source: *The Wall Street Journal*.)

STOCK VIDEO IS POPULAR WITH AGENCIES

Although only eight percent of Internet creatives plan to purchase stock video clips this year, as many as 25 percent of all ad agencies' Internet creatives do.

According to industry watchdog, TrendWatch, slowly but surely digital video is creeping into creatives' repertoires, and islands of opportunity are popping up. Increased bandwidth, coupled with heightened interest from clients (the most important driving factor), are making digital and especially streaming video more inviting prospects. Says TrendWatch: "As these small 'islands in the stream' become more numerous (forming a veritable archipelago), not only will the need for stock video clips increase, but so, too, will the need for original video—and all the hardware and software that entails." This is an excerpt from the TrendWatch Special Report, *Stock Photography: The Revolution Continues*. For more information, or to purchase the report, [www.trend-watchgraphicarts.com].

Newsfront

No reports of ASMP members injured in terrorist attacks

ASMP has received no reports of ASMP members being injured in the terrorist attacks on New York and Washington, DC, but some were close to the scene of the horrific tragedy. Also, messages to ASMP, sending prayers and best wishes to their colleagues in the U.S., have come from photographer groups in Italy, Australia, and Sweden.

Member Gary Gladstone, whose apartment building is attached to the New York Police Academy, posted a report on the members-only forum soon after the attacks on the World Trade Center.

He reported that police and emergency vehicles were parked on every sidewalk of his neighborhood; police recruits controlled traffic in the area; warplanes (F15s) circled overhead Manhattan and his neighborhood and "it sounds like a war zone outside."

The next day New York was a scene of contrasts. Reported Gladstone, "Uptown, it seems like a summer Saturday. People are out in the street, enjoying brunch and lunch at outdoor cafes. While the rescue workers down in the Financial District dig through the 100-foot high pile of the rubble of the collapsed buildings looking for the people they know are buried alive, the rest of the city enjoys the luxury of not having to look at or feel particularly bad about the devastation."

Executive director Richard Weisgrau was caught in a freeway traffic jam on his way into New York for a meeting. "Stalled in traffic I stepped out of my car and aimed my camera across the miles separating me and the burning tower. I felt totally helpless and it seemed like all I could do was just watch in horror," he said. "In the sixties when I lived and worked in New York as a young photographer I had been assigned to photograph the excavation of the foundation of the World Trade Center. I remember one thing about it. It was so deep. It had to be twenty to thirty stories deep. It was being set into absolute bedrock. I remember thinking that whatever they build here will stand until the end of the world. I didn't know that one world would end and another begin on September 11, 2001."

Fund for photographers

A fund to help photographers affected by the September 11 terrorist attacks in New York has been set up for contributions by ASMP, APA, and EP members. For details of how to contribute and how the funds will be distributed go to: [<http://www.editorialphoto.com>].

ASMP CONTINUES TO RESOLVE PHOTOCOPYING ROYALTIES ISSUE THROUGH INDUSTRY DIALOGUE

ASMP is still hoping to resolve the issue of royalty fees for photographers from photocopying through industry negotiation and dialogue with Copyright Clearance Center, Inc. and is making a concerted effort in that direction. In June, after numerous discussions on the issue over a long period with ASMP, CCC had made a commitment to work with photographer trade groups to reach a solution. Subsequently, a September 13 meeting was planned with trade group representatives.

That meeting, postponed because of the tragic events of September 11, is still planned but a cloud hangs over it, the result of a surprise being sprung when three photographers filed a suit in the U.S. District Court of Massachusetts against Copyright Clearance Center, Inc., claiming copyright infringement by CCC for “copying and selling copyrighted works, or authorizing others to reproduce copyrighted works containing images, in consideration for a fee, without first securing the copyright holder’s prior permission or prior authorization.” The suit asks the court to grant it class action status.

The trio, editorial photographers Seth Resnick, Paula Lerner, and Michael Grecco, have indirectly and informally sought support from ASMP in their suit, a request which will be evaluated by ASMP’s board of directors (which had no knowledge of the suit until the day before it was filed) after the plaintiffs provide some necessary information. Resnick and Lerner are members of ASMP.

ASMP president, Dave Harp, said that ASMP had been discussing with CCC the issue of photographers’ fees and royalties for reprographic rights (photocopying

over an extended period of time. Those discussions had stalled due to several complex circumstances. In June, CCC and ASMP agreed to resume discussions at the September 13 meeting. He said that ASMP had no knowledge of the plan by the group of photographers to file suit up until being told the day before the suit was filed in early September.

He said that CCC, by agreeing to still meet, was sticking to its commitment to work with photographers to resolve the matter and to investigate methods to collect and distribute royalties from photocopying for photographers

“We had hoped to resolve this issue through an industry dialogue. We still have that hope. I can say that ASMP would have discouraged legal action until such a time that the promised dialogue proved to be unproductive. We generally are reluctant to turn business problems into legal problems until all other actions have failed. We did not think the situation had reached that point. In spite of this opinion, ASMP is

diligently examining this case in fulfillment of ASMP’s role as a photographers’ advocate,” he said.

Harp said that ASMP had been reassured CCC’s June commitment to work together to build a system for collecting reprographic fees for photography and illustration has not changed.

“This in turn means that ASMP can remain committed to its original strategy of finding a solution to the issue through industry dialogue,” he said.

ASMP, EP, APA, and PPA who were previously invited to attend, had been invited to the September meeting. ASMP and GAG had accepted, while PPA declined intending to rely on reports from ASMP. APA had indicated its desire to attend subject to scheduling availability. “EP was planning to attend the meeting, but its status is now uncertain since its previously appointed representatives are plaintiffs in the lawsuit. CCC, on advice of counsel, cannot permit them to

attend. EP has been invited to send different delegates and has accepted,” said Harp.

“CCC, by agreeing to still meet, was sticking to its commitment to work with photographers to resolve the matter.”

Note: ASMP’s views on this case and its ramifications, including the advantages and disadvantages to photographers, are contained in a lengthy document on ASMP’s Web site. Also online is the full text of Harp’s letter on the subject. The above information was current as this Bulletin went to press and for latest details go to [www.asmp.org].

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JACQUES LOWE, PHOTOGRAPHER OF JFK, DIES AT 71 IN MANHATTAN

A memorial for Jacques Lowe, an internationally renowned photographer who was best known for his photographs of President John F. Kennedy, was to be held in New York on October 9. Lowe died at his home in Manhattan in May. He was 71.

Born in Cologne, Germany, on January 24, 1930, Lowe came to the United States in 1949 and began his career as a magazine photographer in 1951. In 1952, he won *LIFE* magazine's award for *Young Photographers* and during a prolific career worked either as a staffer or freelance for all the leading magazines of that era. Through a series of photographs taken of Robert F. Kennedy, he became known to the Kennedy family and the patriarch Joseph Kennedy told him, "you are the greatest photographer in America. I want you to photograph all my children and you can start with Jack."

In 1958, Lowe began taking photos of John and Jackie Kennedy and was asked by the future president to photograph his campaign. That resulted Lowe's covering every important event in the Kennedy years and his photographs appeared in more than 200 magazines and numerous books. Following his work with the Kennedys, Lowe concentrated on advertising, magazine and corporate work; he moved to Paris in 1968 and edited a French magazine, *Adam*; in 1972, he founded Visual Arts, a graphic design and promotion agency in Geneva; and in 1984, returned to the United States.

As president of Visual Arts Projects in New York he published more than 30 books and divided his time between photography, book packaging, exhibitions, and personal licensing work. He also directed a film on JFK that was aired on PBS. In 1998, Kodak Professional presented him its *Impact on Photojournalism, Pictures of the Year* award. Jacques Lowe is survived by his five children.

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Our Cover

Baltimore, Maryland, photographers Judy Herrmann (president of the Baltimore chapter of ASMP) and Mike Starke, specialize in digital photography—"We haven't used film for major shoots since about 1996," they said—and our cover image is a good example of their work.

To create the *Tightrope Walker* they photographed model Dan Marsh standing on a raised wooden two-inch by four-inch beam which was placed on a rooftop deck. Lighting was a combination of available ambient light supplemented with subtle fill flash. A ladder placed against the building enabled the photographers to position the Olympus E-10 digital camera below deck level.

The final image was created in the studio. "Using the E-10 and hot lights, we captured (electronically) a length of Firewire cable to replace the two by four beam. The two images were then blended, retouched and colored in Photoshop," they said.

And voila! *Tightrope Walker*.

Herrmann + Starke digital photography offers a wide range of digital services including digital still life, people and product photography, production services such as silhouetting, digitally manipulating, retouching, montaging or collaging existing digital files, and creating high quality digital files for offset reproduction, on-screen or Web use and a wide range of digital output devices.

On location, or in the studio, they take full advantage of digital technology and work with their clients by posting images to a private Web site that allows both agency and client team members to access the images at their convenience.

See more examples of their work at [<http://www.HSstudio.com>]. ∞

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.

ARIZONA

Jason Falter AS
P. Markow T. Eglin

ATLANTA/SOUTHEAST

Linda Bolobonoff PS
K. Hawkins S. Leary

Pete Winkel REGM
K. Hawkins J. Slemp

Stanley D. Kaady GM
J. Slemp K. Hawkins

BALTIMORE

Alan Partlow AF
D. Whipps H. Ehrenfeld

CAPITAL REGION

Susanna Thornton ST
Corcoran College of Art & Design

CHICAGO/MIDWEST

Diane M. Smutny AF
T. Vitacco K. Hirsch

Jon Muzzarelli GM
D. Manning R. Wehmeier

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J. Blecha J. Hallmark

Terry Shapiro GM
J. Hallmark M. Passanante

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M. Warren R. Thies

Ken Cheetham AF
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NEW YORK

Christopher Lovi GM
C. Lai B. Katz

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California State University

Jeanne O'Connor AF
M. Mitchell T. Jimison

Tammy L. Kane ST
City College of San Francisco

NORTH CAROLINA

Juliana Schmitt ST
Catawba Valley Comm. College

SEATTLE/NORTHWEST

Darryl Bernstein REGM
K. LaTona D. Busher

David Petrich AS
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Lauren Fox Nelson ST
The Art Institute of Seattle

SOUTH FLORIDA

John W. Gertz AS
P. Morris D.G. Mitchell

Roberto Santos AS
P. Morris L. Gatz

Tabatha M. Mudra ST
The Art Institute of Ft. Lauderdale

Yohanna Hernandez ST
The Art Institute of Ft. Lauderdale

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