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Public Comments and issues of intellectual property

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Hello

My name is Louis and I am a photographer in the industry for several years.

While I actually never came across this situation, I have heard many that have.

Seems to be a problem in the industry, more so the entertainment industry vs. freelance photographers.

Some have actually had to sign an agreement signing over the intellectual property to the promoter/band/company of whoever the photographer received permission to photograph the event.

Well, probably thousands per year were lost by photographers. I have been hearing this very same topic for years and it seems to be a problem. It is also a problem with magazines, where just the other day I found an advertisement for a publication seeking a graphic artist.

The bottom line of why I did not go any further was that any or all designs would become the property of the publication, with no rights of me using anything for my own promotional property.

Photographers have to live to pay bills, eat, live etc era. Why should they lose any money?

I am against the loss of intellectual property.

Photographers should be:

1. able to make money from their trade with out fear of losing rights to images or money
2. be able re-sell images
3. negotiate usage rights without it hindering their business
4. be paid a fair wage for their services and products they have to offer a client

What is the definition of intellectual property:

Well, sometimes that is a loaded question sometimes that is used unfairly.

If a photographer is given exclusive rights to photograph a person, place or thing, then it is their right to use the image(s) for their personal use, promotional use, right of sale and ownership.

In the case of a public figure, entertainer of national acclaim, from the first image to the last why should the perspective client own exclusive rights of usage, leaving the photographer with barely nothing to show for it (or barely nothing in most cases public figures and especially entertainers don't want to pay anything or very little).

I have personally photographed some national figures. In my way of working, if I was to actually make any money from a national figure, I would pay them handsomely and would probably do a 50-50 split. I do know what it is like to work for a living so, the entertainer would be compensated fairly, at least by me.

Fairness is not always a word that is used and is such the case of why I am sending this e-mail. This is not like the normal photographer vs small business sort of situation. I have also freelanced in the wedding industry where I can understand the company in this case keeping intellectual rights, the company is in the business to sell the photographs to a bride and groom. That is a work for hire situation, as is not the case with other freelance work situations.

I believe in:

Compensation to the photographer

Retention of intellectual property

Discuss up front what the deal is as far as this being a work for hire situation or a freelance and who owns rights up front. On a freelance mode images sold or used should be paid for, and length of usage described in detail.

Whew I hope I was not to long winded as this is a serious issue.

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