



A BRIEF WORD ABOUT COPYRIGHT, REPRODUCTION RIGHTS AND PUBLICATION LICENSES

Most NuVision Images clients are small business owners or families, and many are not familiar with the standard business practice of copyright and limited reproduction licenses. This brief introduction is designed to help you make sure that you get exactly what you need from your NuVision Images photographs. It is not a legal document, and no warranties are given or implied as to its legal accuracy; please consult your legal advisor if you need more detailed information.

COPYRIGHT

First, a word about copyright. Photographs are considered original works of art and, as with all other such creations, the artist – in this case the photographer – owns the copyright from the moment the photograph is taken. This means the photographer has the exclusive right to control the modification, copying, use and sale of the image.

Although copyright may be assigned or sold, it is very unusual for a professional photographer to relinquish copyright. The main reason is one of control: our reputation and livelihood rest with the images people see. If a client were to change an image, make poor quality reproductions or display an image inappropriately, the NuVision Images name would be associated with the inferior product, to our commercial detriment. (Think about how you protect the trademark or brand in your business.)

For this reason, the normal practice is for the client to acquire limited rights to the images through a license.

LIMITED RIGHTS

Most of our clients approach us with one specific project in mind – perhaps a brochure, an advertisement, a website or a wall display print. They often use the photographs later in other ways, but these are frequently not identified at the time the photographs are taken. It usually makes sense in these circumstances to adopt a ‘pay as you go’ approach, in which the client buys only the immediate application; additional projects are dealt with as they arise.

There are a number of factors to consider when buying image rights, most of which have an influence on the price. To get the best value from your purchase, do think carefully in advance about how you will use the photos.

Media: Will you be displaying prints on a wall? (what size?); do you need electronic images for a website?; are you planning a brochure? (what will the circulation be?); will the images be published in a newspaper or magazine? (national or local? cover or inside? size?)

Timeframe: Normally licenses for publication are issued for a specified timeframe (typically one to three years.) How long do you expect your image to remain current, before it needs replacing?

Exclusivity: Is it important that only you get to use the image, or would you be comfortable if, for example, NuVision Images also sold your landscaped garden picture to a gardening magazine or the patio stone supplier?

All this ends up in a statement of the license you purchase. NuVision Images includes the license statement on the Proposal and Estimate (if any), on the invoice, on the media if appropriate (e.g. on a CD or DVD), and in the metadata embedded in electronic images. The statement might be something like the following:

“These copyright images are licensed to ABC, Inc. (without alteration, except for resizing and cropping) for display on the www.abc.com website through December 31, 2017, and for publication in the April 2015 issue of Boat Trader magazine. All other rights are reserved; call (585) 586-2240 for prints or other licenses.”

UNLIMITED RIGHTS

Occasionally, selected clients may be sold ‘unlimited reproduction rights in perpetuity’. This may be appropriate for an image or images that the client company knows it will be making very extensive use of, in a variety of media. (A recent example is an executive portrait of a corporate CEO.) The copyright is still held by NuVision Images, and the image may not be altered without written consent or sold, but otherwise all uses are authorized. Such arrangements are generally reached with clients who work with an established graphic design and print house to ensure high quality reproduction. The price for ‘unlimited rights’ is high, since NuVision Images is probably foregoing any future revenue from the images.

NuVision Images is very flexible about offering terms that match the needs of each client, and a full discussion of these needs should precede the contracting of each assignment. We hope this short paper is helpful to you in preparing to get full value for your investment in photography; we welcome feedback on how it might be improved, or what else we can do to make your image buying a pleasant and profitable experience.

