



Photographer Rights - A Matter of Policy

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As photographers, we make substantial investments in every photo we take – investments in time, equipment and personal expertise. At times, we also make an emotional investment in photos that we are especially proud of. All of this “investing” fosters a strong sense of ownership in our work.

This ownership is recognized and protected by copyright law. Every photo we take becomes our personal property the moment the shutter is tripped. Copyright laws provide legal protection from the theft or illegal use of our work, just as laws protect us from the theft of any other personal property. But as we know, laws alone do not prevent theft – other measures must be taken to help deter those who are either ignorant of laws or choose to ignore them.

As a matter of policy, NPN recognizes and strongly supports photographer rights above all else. This policy goes beyond simple lip service to a number of rules and technical safeguards employed on the NPN and [PhotoPortfolios](#) websites.

Image Theft Protection

Anyone with even elementary knowledge of the Internet will realize that once a photo is posted on a website, it is impossible to prevent its theft. So why do we employ technical measures that are intended to deter the illegal copying of our work?

In many cases, those who are copying and using our photography without our permission are simply ignorant of the fact that it is illegal to do so. Without understanding the legalities, they will right-click and copy the photo and then save it to their PC. Not only will the measures we have in place prevent that particular method of copying photos hosted on the NPN server, but should also serve notice that the old misconception of “everything on the Internet is free” is just that – a misconception. Sure, it’s easy to save photos posted on websites to your computer’s hard drive and then use them for your own purposes, but just because “you can” doesn’t mean “you should.” Not taking simple measures to protect our members’ work because they are not foolproof is akin to not wearing our seatbelts while driving because they may not save us from injury or death in all collisions.

Even with these measure in place, we have had a number of cases where our members’ photos were appearing on other websites without their knowledge. It was pretty obvious that these photos were taken from NPN or PhotoPortfolios.net by those who claimed they thought it was OK to do so. In each case, we have intervened by asking that the illegally copied photos be removed. Sometimes, it took a complaint sent to the website’s hosting company to finally get the matter resolved, but in each case so far, we have been successful.

The irony of it all is that had the person wanting to use the photos on their own website *simply asked for permission first*, the vast majority of us would grant the request. After all, the photographer takes a request to use one of their photos as a compliment. But if that same photo is taken by the same person without first asking permission, the photographer may construe it as theft. And so they should.

Reposting of Photos

One of the great benefits of posting photos in Internet photo critique forums is the unparalleled educational value such an activity can offer. Forums such as NPN’s photo critique galleries enable photographers to post their photos in genre-specific galleries and receive feedback from their peers. We have seen many members quickly improve their photography by actively participating in this process – both posting photos and comments, and simply studying the photos and comments posted by others.

One of the techniques that can be used to illustrate an enhancement of a photo is for a viewer to copy the original photo, import it into their image editing software, make some adjustments and then repost it in the same thread. On the surface

this sounds like a fantastic educational tool, which it can certainly be. But based on first-hand experience, there are several underlying reasons why this activity should be carefully regulated.

First and foremost, remember the point made in the first paragraph of this commentary – most photographers will feel a sense of ownership and pride in the photos they share with us in a photo critique forum. Like any other personal project or endeavor that we take pride in, if someone takes it without our prior consent and makes changes in the name of improvement, even though we may appreciate the effort we may still feel somewhat offended.

The solution to this could be as simple as granting “blanket permission” by the person who posts the photo for anyone to copy, adjust and repost. This is indeed the approach we used a few years ago and is still used on other websites today. But there is an underlying issue with this approach as well – the potential emergence of “Photoshop Derbies” that end up having little benefit for the person who originally posted the photo.

“Photoshop Derbies” are typically conducted by self-proclaimed “Photoshop Jockeys” who often wish nothing more than to demonstrate their image-editing prowess. Soon, a photo critique thread becomes filled with “improved” versions of the original, to which subsequent commentary is often directed. On top of this, most Photoshop Jockeys (as opposed to those who repost with honorable intentions) will rarely reveal their tricks of the trade, resulting in a long thread of comments and reposted photos that the original photographer has little chance of benefiting from. The “blanket permission” approach does not prevent this - it only takes one jockey to conduct a derby and for the thread to become focused on someone other than the original photographer and *their* work.

But still, there is value in the process of someone making adjustments to another photographer's photo and reposting it to illustrate the improvement.

Through years of trial and error (and many heated debates), we have arrived at a policy for reposting photos that maximizes the educational benefit, and more importantly, places the rights of the photographer first. Here are the key points of this policy;

- Only the person who originally posted the photo (the photographer) may repost an “improved” version based on viewer feedback
- A viewer is free to request a copy of the photo via email from the photographer for the purpose of making changes to the photo
- The “improved” photo is then emailed back to the photographer, *along with step-by-step details on how the improvements were made*
- The photographer can now proceed in a number of ways; (1) repost the improved photo provided by the viewer; (2) use the step-by-step details to learn how to make the adjustments and repost their own “improved” version or (3) not repost at all

Using this policy, a key fundamental is addressed - *photographer rights take precedence over all else*. Additionally, the educational experience is enhanced because the focus is on teaching the photographer how to improve their work with step-by-step instruction, without the danger of having the exercise turn into an image editing contest.

The educational value of NPN membership or even just participating in the NPN image critique forums is renowned. However, without placing photographer rights first and foremost in the way we conduct our website activities, we run the risk of diminishing this educational opportunity and the value of our work.

In the case of our “photographer rights” policy, adherence is not much more than the common courtesy of asking first.

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