



A client's guide for working with photographers

This guide has been produced by ASMP in the interests of photographers and clients to simplify the process of assigning photography and to help create a better, more efficient and equitable working relationship.

Tight budgets - impossible deadlines - complicated logistics - reluctant subjects - and now you have to hire a photographer. Sound familiar?

Buying photography need not be complicated. By developing an ongoing business relationship with the right photographer, you can negotiate in an informed and cooperative environment that benefits both of you.

Before you look for a photographer - define your needs. By identifying your communications goals, you'll be better equipped to find the right photographer for your job.

Looking for a photographer

Portfolio reviews and interviews with photographers can be conducted on an ongoing basis. This keeps you aware of the available talent and avoids stressful, last minute hiring decisions.

Take the time to discuss your needs with the photographer when you meet to review his/her portfolio. A good photographer should be a good communicator, offering suggestions and responding to your concerns. In addition to an outstanding portfolio, important qualities to consider are experience, compatibility, dependability and professionalism.

The photographer will become an integral part of your creative team - hire one whose skills fit the requirements of your assignment. Most photographers have areas of specialization. A studio still-life shooter may not be the best choice for a job involving extensive location work with people. Applying your needs to the photographer's strength will assure the greatest degree of success.

Some photographers have representatives (reps) who are responsible for marketing and portfolio presentations. Although paid by the photographer, they provide a valuable service to the client. By taking responsibility for negotiating fees and usages, the rep allows the photographer to concentrate solely on the creative aspects of your project.

Whether dealing with the photographer or a rep, ask questions such as the following as they apply to your assignment:

How long have you been in business? Who are some of your clients? What studio facilities do you have? Are you equipped for a location shoot? What travel experience do you have?

Pricing the Assignment

Once you've selected the photographer with whom you feel comfortable, you can begin to evaluate the costs. It is not inappropriate to discuss fees during the initial review but asking for a "day rate" is often misleading. While it may help you to compare one day rate to another, it won't tell you what your job will cost. Day rates don't include expenses nor do they reflect the rights being licensed.

As in any free market, creative fees will vary greatly among photographers. It's easy to get caught in the trap of shopping price instead of looking for value. The experience that a photographer brings to your job, or the equipment and capabilities that he/she has available to properly execute your assignment, represent value which may more than compensate for the differences in price. In addition, photographers have business overhead and operational expenses to factor into their fees. Costs for rent, utilities, marketing, salaries, insurance and equipment are incurred every day, not just on shooting days.

For a photographer or rep to fairly estimate a job, he/she needs to know as much about it as possible. Crucial information includes a detailed job description (including what the photographs should communicate and a layout if it exists), deadline, usage, and materials requirements (i.e. transparencies or prints, color or b/w, etc.). You could get widely varying estimates based upon how the assignment is to be executed.

Estimate or Bid

When seeking an estimate or a bid make it clear to the photographer which one you are asking for.

An estimate is just that - an honest appraisal of what the job should cost based upon the information provided. Usually, it is given in a non-competitive situation and may be flexible depending upon the nature of the job.

Bids usually fall into two categories - competitive and comparative. A competitive bid involves two or more bids that are being considered only on price. A comparative bid may encompass additional factors such as creative approach, existing working relationship, availability, style, etc. In either situation, all parties should have the same information and assignment criteria.

Unlike an estimate, once a bid is accepted, the price is fixed - but so are the job parameters. Even small changes may incur additional charges. In these situations many photographers require changes to be approved in writing during the shoot.

Usage

An essential component of the photographer's fee is compensation for the rights being licensed. Under federal copyright law, the photographer is the owner of the photograph unless there is a written transfer of copyright ownership. Accordingly, it is important that the photographer and client agree on usages in advance. Generally, the more extensive media exposure a photograph receives, the higher the fee will be for producing it. This principle applies to both assignment and stock photography.

The questions to answer with specific licensing language are: Where can the photography be used? Will the photography be used in advertising, editorial or collateral media? Will it appear locally, regionally or nationally?

Who can use the photography? Is the photography exclusive to the client for a period of time? Can the photographer re-license the images (or out-takes) to others? Is a non-compete clause necessary to protect the proprietary nature of the photography?

How long can the photography be used? Are the needs for the licensing unlimited or limited to a length of time or press run?

A sample license might read: For unlimited, non-exclusive collateral use by XYZ Corp. for one year.

ABC Co. exclusive use in local trade advertising for six months. Avoid using the term "buyout"; it has no legal meaning and is subject to different interpretations. Buying the copyright could greatly increase your costs without changing the value that the image has to you.

Realistic usage needs should be weighed against budget considerations. Why pay more for something you might not need? Future licensing can be purchased as needed.

When negotiating usage remember: Rights not specifically granted are reserved to the photographer. Licensing agreements are specific with regard to the end user. Design firms and advertising agencies license images as agents for their clients, but these rights are unassignable to other parties. Precise usage language

should appear on the estimate, purchase order, delivery memo and invoice. Possession of transparencies, photographs or negatives does not give one the right to reproduce or copy them.

When your needs outweigh your budget

Distinguish between your wants and your needs. Instead of cutting corners on quality, look for getting greater value from your photography dollar. There are always ways to pay less for photography - but bargains can be expensive.

Know when the expertise of the photographer will save money in the long run. Find out what services the photographer can offer to make your job easier, quicker, smoother. In all cases, be open and honest with the photographer when negotiating your assignment. Good communications can help you solve your problems and achieve your goals.

Summary

Define your needs. Hire the photographer who fits the assignment. Look for value instead of shopping for price. Discuss rights issues up front when negotiating a fee. Licensing agreements should answer the basic questions of who will use the photograph, for what purpose, where will it appear and for how long will it be used.

Always get it in writing.

Written by: Terry Pagos, Robert Rathe Designed by: Farin Design Group. ASMP executive director: Richard Weisgrau ASMP Director of Publications: Peter Skinner ASMP thanks consultant Maria Piscopo for her contribution to this guide.

The American Society of Media Photographers, Inc. (formerly the American Society of Magazine Photographers) is a trade organization established in 1944 to further the interests of photographers. With more than 5,000 members worldwide, the ASMP plays a vital educational role in the business of photography through meetings, seminars and publications.

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*ASMP
150 North Second Street
Philadelphia, PA 19106
Ph: 215-451-2767
Fax: 215-451-0880.*

This publication was supported by a grant from: Eastman Kodak Company Professional Imaging.

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