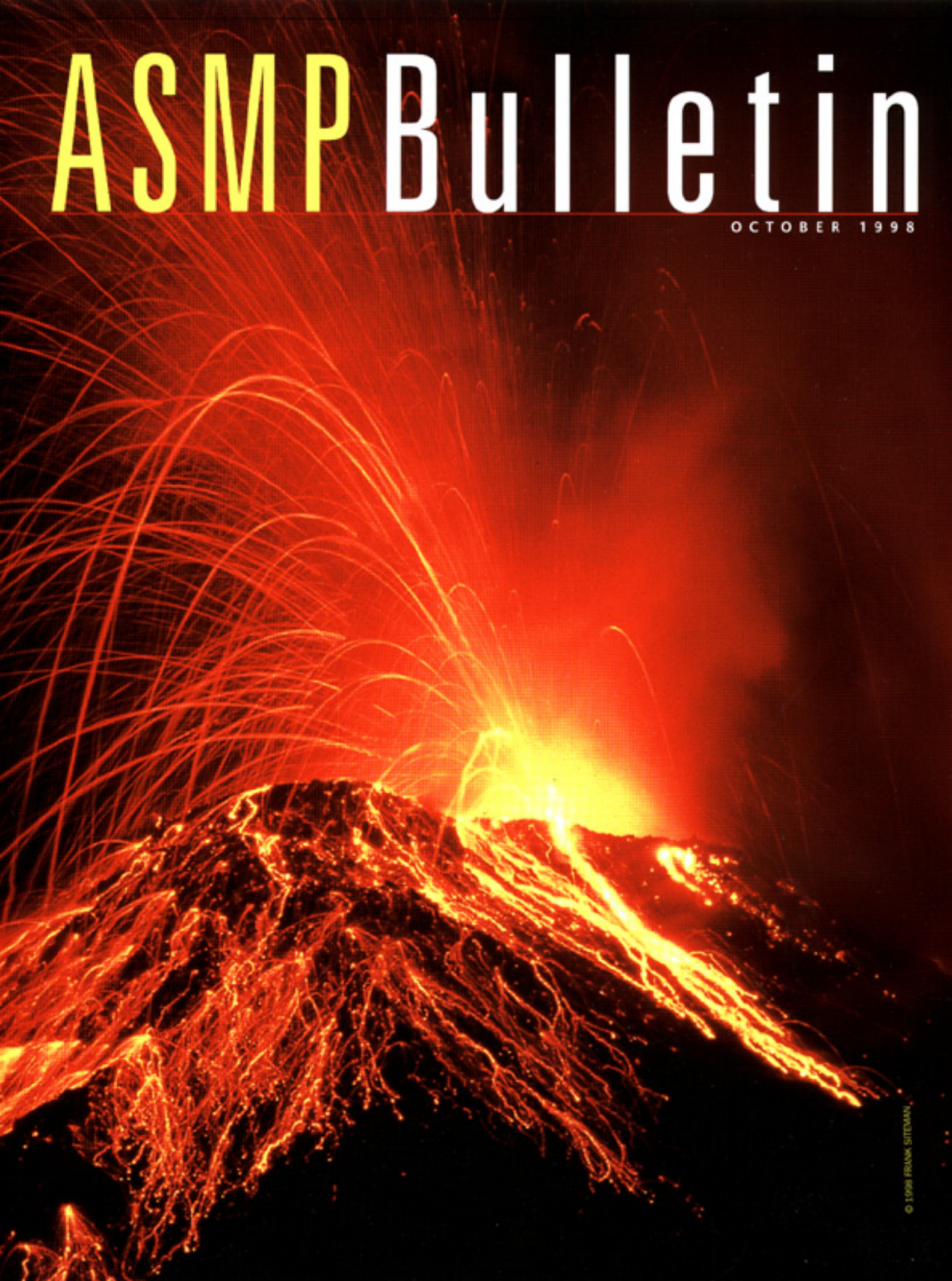


ASMP Bulletin

OCTOBER 1998



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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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OUR COVER
 Volcan Arenal, Costa Rica, was
 photographed by Frank Siteman.
 See page 21.

ATTENTION SHOPPERS

In aisle 5, stock photo specials BY LES RIESS

In a conversation that I had recently with a representative of a stock agency, some very disturbing issues regarding future agency policies came up. If these new policies come to pass, I believe that we will indeed see what I call the Wal-Martization of the stock photo industry. This conversation confirmed what had been reported in the January 1998 *PDN* article entitled, *The Big Squeeze*.

It seems that many agencies are considering a reduction in the 50/50 commission split with their photographers. I was told that we could very well see the percentage paid to photographers drop to 30 percent. The *PDN* article pointed out that with the fees (catalogue, duping, filing, etc.) the agencies charge photographers, instead of 50 percent for the photographer, the actual percentage works out to be in the 27-38 percent range.

Hmmmm. I wonder what the actual percentage will be in the proposed 30 percent model? All this seems like "new math" to me.

When I asked how this reduction could be justified and why the photographers would want to agree to this, I was told that there would be increased sales because there are new markets waiting to be tapped. "With the Web, there is a potential market of over 5 billion users of photography", said the stock rep.

He said, "Imagine that someone is on a travel agency's site, looking for vacation information. They have never been to this particular location and would like to see pictures of this paradise. Our agency has contracted with the travel agency to provide photos of vacation spots for their site. When their customers want to see what this location looks like before booking the trip, they could click on a button and see a picture. We

"I wonder how many people are willing to pay to look at a picture on their computer."



would charge the customer two dollars to look at the image." I said, "At the 30 percent split, that means the photographer gets sixty cents." He said, "That's right, but you have to remember that there is a potential market of over 5 billion users." I wonder how many people are willing to pay to look at a picture on their computer. Also, with all the clip photo discs out there, why would a travel agency want their customers to pay a stock agency to look at vacation pictures? Why not provide the pictures to their clients for free, as part of their service?

Later in our conversation, the rep said to me, "I think that most stock photographers don't care whether I send them a check for \$1,000 for the sale of one image or for the sale of one thousand \$1 images, just as long as they get a check for a thousand dollars at the end of the month." I know that I would care, but maybe I'm

missing something here. If I am, I'd like someone to explain it to me. So, what do y'all think about this? If you would like to comment, send me a brief e-mail to riess@asmp.org. Maybe I'll include some comments in a future article. In the meantime, I'll look for you at the nearest Wal-Mart or KMart. I can hear it now, "Attention, shoppers, we have a blue light special on stock photos..."



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OUR NEW LOOK

During the past several months the ASMP communications committee has been working with noted Boston art director and designer Ken Silvia in redesigning the ASMP *Bulletin*. Foremost in the committee's goals was making the *Bulletin* a more vital communications vehicle for ASMP members. While improved readability, and an attractive, contemporary look were among principal guidelines, editorial content and its presentation was also a priority. The *Bulletin* will serve several roles and please see page 19 for its intended purpose.

This issue of the *Bulletin* is the first incorporating Silvia's design. Over the coming months we will be introducing new editorial components that address issues and concerns that affect photographers, and providing ASMP members with valuable information.

The redesign process will not happen all at once. It will evolve issue by issue and we hope that, ultimately, the *Bulletin* will be more effective as ASMP's principal, most consistent source of ASMP news and information. We also hope that you like the results. **Peter Skinner, Editor**

RED LINING

What's the price? BY DONAL PHILBY

If you think that photographers are the only professionals battling for more equitable payment based on usage, it is interesting to look at parallels in related industries. Recently, a model who also produces extreme sports programming for TV, told me that networks were buying footage at rate of \$800 per minute. That sounded reasonable for a single usage. But it's not; that is for a complete buyout - forever. The \$800 per minute has to pay for all equipment, travel, and other expenses associated with producing the footage. And this is on speculation.

With 100 television channels (and 2,000-3,000 magazines in the US alone) the demand for content is nearly insatiable. Unfortunately, there is a major proviso: the content has to be cheap. The markets have changed. No longer are there the few networks or big national magazines that have major revenues. The old wisdom was to get paid according to the placement costs of the ads. Well, we still are; it is just that the ads have become more targeted and, relatively, they cost less.

The intense consumer character of modern culture also means

insatiable appetite to buy things. We pretend to want high quality — but really will accept only low cost so we can have a lot of things. So most things have the patina of expensive, but scratch them and you find lead under the gold. Most royalty free discs are a case in point.

I've read about a stock photographer who rented offices and shot 250 rolls of film in a weekend. If creating such a vast number of images is so quick, why wouldn't the photos be devalued per piece? Imagine the value of Ansel Adams images if he had shot that volume of originals.

The irony is we're in a volume business being ruined by volume. We are all on a scramble to create mass amounts of material to sell cheap. High production value stock shoots have become the standard, but on a per item basis, it is simple mass production.

We are our own competition and yet we continue to create an even greater supply to meet the demand for more "creative" images. And the people demanding more material are the art directors who are already drowning in a flood of images.

Of course, these same art directors are working desperately to grind out ads, brochures and more with inexpensive photography, whether assignment or stock. No time, no money.

The pressures on all of us to produce is enormous.

In automotive lingo, I'd call this red lining. And few engines can roar at 6000 rpm for very long.

It is clearly an oversupply problem on one side, coupled with reduced expectations or requirements for "great" photography, only for brash, extreme, contrived images pushed through the cameras with motors smoking.

So the prices go down. We work harder, quicker, longer. No time for reflection. Life at red line. Going fast. But going where?

Donal Philby is a San Diego photographer specializing in advertising, stock and corporate/industrial photography.

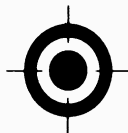
"High production value stock shoots have become the standard, but on a per item basis, it is simple mass production."

ASMP AT PHOTO+EXPO EAST '98

To Know More About ASMP

- Come by the booth and get information on
- membership
 - benefits
 - business practices
 - copyright
 - publications on sale
 - and more

Booth #2108



Don't miss these ASMP sponsored programs

- *Business Strategies for 2001* Moderated by Les Riess, ASMP president.
- *Photography Business Models for the New Millennium*. Presented by Kristen Giordano and Richard Weisgrau.

Meet some of our people

- Take advantage of meeting and shooting the breeze with other photographers, ASMP directors and staff. (During the show check the board at the booth for schedule.)

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LEARNING BUSINESS

From the Food for Thought Diner BY WOODY PACKARD

We've just finished our meal at the *Food For Thought* diner. Although it's been in business for several years, none of us have been here before. We each know people who have, and have heard good things about the food. We've also heard the edge in their voices when they describe the place, so we haven't been in a rush to eat here until now. It's late, we're hungry, and other restaurants are closed. *Food For Thought* is open and busy. Our meals have been carefully prepared, the portions generous, and the service good. One of us reaches for the check, flips it over to see the damage we've done. In blue ink \$48.75 is written and circled. That's all.

One of us had a salad. One had the seafood special with apple pie à la mode for dessert. One had a bowl of soup and a tuna sandwich. I had barbecued chicken, potato salad, a small loaf of homemade bread. We stare at the piece of paper, not doubting its accuracy, but having no idea how to settle our debt proportionally. I stop the waiter next time he's by.

"Your bill says \$48.75. Think you could explain how you came up with that number?" I'm not trying to be difficult.

"No problem," he says. "We base that number on how many there are at your table and what you had to eat. There are other factors too." There's no hint of annoyance in his voice, and none that he's trying to avoid the answer I'm looking for.

"Other factors? What do you mean by other factors?" I ask.

"Well," he says, hesitating for a second. "Like how busy we are, how easy the customer is to get along with, and how hungry they look when they walk in the door. By the way, you did a pretty good job on that chicken, didn't you? Is there anything else I can get for you?" He's still calm and polite.

"Not really, but we're wondering how to split this bill up." By now I'm also wondering if I looked as hungry as I actually was when I walked in the door, and how much it had cost me. I decide not to ask.

He sticks his hand into his pocket and pulls out a calculator, offering to divide our

total by four.

"That isn't what I'm asking, although I'd be glad to do it that way. My friend here, who only had a salad, really doesn't want to pay for my eating problem. Is there some way you could break down the bill so we could see what we're paying for?"

"You know, we used to do it that way," he replies.

"But then we ran into people who would sit here and scrutinize the check after every meal, grade our math, and compare the price of our fish fry to the one down the street. Pretty soon we realized that we were doing all kinds of stuff just to make customers happy. We're in the food business, not the accounting business. We just stopped spelling everything out so people

couldn't ask silly questions about their bill. Will there be anything else?"

"I don't think so," I say as I slide a credit card across the table. I can see that's all the help I'll get, and from the looks on my

friends' faces, feel the importance of getting them outside quickly. Without the use of a calculator I decide on an appropriate tip, hoping our journey to the door will be uneventful.

Still smiling, the waiter meets my card with his fingertips, then slides it back across the table. "You know, we used to take these. But not any more. We've found it's not very convenient."

MOST OF US DO BUSINESS as if we learned it at the *Food For Thought* diner. We do professional quality work, provide good service, and are nice to our clients. But there's something about the way we price an assignment that puts those clients on edge. For years we've told them that our fees are based on many factors, that one of the most important of these is the use they

make of our images. Yet when they get our invoices they are rarely able to tell what we charge for this use.

Like it or not, clients will never be comfortable paying for something they don't understand. To get clients to understand usage we must first put it on the table—so they can see it and so we can talk about it. With few exceptions, we have failed to do this.

"Like it or not, clients will never be comfortable paying for something they don't understand. To get clients to understand usage we must first put it on the table."



When we “take into consideration” the use of an image, then lump that consideration into the rate for our time or fee we charge for an image’s creation, we hide the issue of usage under the table. By burying it there, we’ve given up our most powerful bargaining tool. Rather than negotiating about the value we provide our clients, we are forced to defend the rate we charge for a day’s time, or the money it costs to create an image. As most of us know, it’s an ugly place to do battle. Defending a day rate is difficult and most gains we make are insignificant.

To make significant gains, professional photographers must find a way to put the issue of an image’s use on the table, shine a light on it, and poke it to see what it feels like. It’s only by doing this that we’ll be comfortable enough to make sense of it to clients and other photographers.

For most of us, this will mean changing the way we do business, and it’s up to us to agree on how to make that change.

Day rate adherents argue that charging by use subjects them to giving unspecified amounts of time, which they can’t afford without additional compensation. Creative fee devotees don’t like the idea of getting pinned down to a single day rate, and would rather quote a job based on its use. They argue that charging a day rate sets a bad precedent when it comes time to quote a high-use job.

Both views are correct. Time has value because we only have a limited amount of it. Our schedules are based on it. Our employees are paid by it. But unless we want to be paid like employees, time is only one factor in the value of our work. For over fifty years ASMP has advocated payment-for-value on behalf of professional photographers, and most professionals already charge for this value by considering an image’s use as well as the time that goes into production. If there should be only

one change to our profession, it may well be to clarify and illuminate for clients what we already know and do.

HERE IN WESTERN NEW YORK the Eastman Kodak Company is a client. They buy photography from a wide variety of photographers from all specialties and markets, using this work for every conceivable

application. For many years much of this work has been purchased from independent photographers on a work-for-hire basis.

Last December Kodak pledged to end this work-for-hire policy. In doing so, they asked ASMP to help create a system for paying photographers for the reuse of assignment work. They *cont. on p. 20*

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WATCHING TRENDS

As business moves, photographers follow BY RICHARD WEISGRAU

William Franklin's words struck home for me twelve years ago, before I became the executive director of ASMP. I was on the ASMP board of directors, a body which was very concerned about the future direction of our business. Technology was changing everything we photographers were involved in. Camera technology was looking more and more like electronic technology. Companies named, Hell, Scitex, and Crossfield were making million dollar machines that allowed the digitizing of photographs and subsequent manipulation of them. Some popular notions back then were that photography was a doomed business. Those who believed that were driven by thoughts that cameras were being automated to the point that it was only a matter of time till anyone could become a photographer and all that would be needed was a bit of artistic talent, and that digital retouching machines that made new photographs from combinations of old ones would eventually replace the need to create new ones.

That year, I presented a talk to photographers in Houston. I scoffed at both of these notions, among others. In fact, I predicted that camera technology would eventually reduce competition in the business and that it was the owner/operators of these million dollar machines that would be in trouble in years to come. What did I base those predictions on? Answer: trends!

There were two trends that were obvious to me as an observer of such things. I have always enjoyed taking time to stand back from the daily grind and glimpse at the direction of things. Doing that let me see two things. First, that economically empowered purchasers were, by all surveys and reports and statistics, changing their buying habits. They now wanted quality at a reasonable price over inferior bargains. Quality is an indicator of status, and status is a competitive issue for individuals and businesses. Second, miniaturization was the goal of every electronic product maker. More powerful and smaller was an excel-

lent business philosophy in the eyes of the best companies in the world. So there were two identifiable, broad, far reaching trends: reasonably priced quality is an important criteria, and more powerful but smaller electronic equipment is inevitable.

Now twelve years later, we are beginning to see the effects of those trends. There is no data that shows that there are any more high quality professional photographers today than there were in 1987. It may seem that there are, but this is due to the fact that photographers have to be more visible today than they were then, if they are to survive in the business. They market and promote themselves and sell harder than ever before.

In any given area there may be more photographers than years ago, but much of this is the geography of demographics. Photographers move to new opportunities. Years ago, New York City was the mecca of advertising and editorial photography. It

is still the biggest marketplace in the world for photographers, but across the country, new markets have opened up. Who would have ever thought that Atlanta or Minneapolis would be strong advertising markets? Who would have ever thought that publishers would move to new digs in other states? I'll tell you who. Anyone who followed real estate, labor/wages, and business expense trends, and realized that communication trends indicated that these major players could do business from anywhere in the USA. So as these businesses moved, photographers moved. Simply stated, many photographers have moved over the past decade. ASMP's own membership records show this clearly.

As for the proud owners of million dollar retouching machines, we

see that they have to carve out new market opportunities as the desktop PC's and MAC's now can be used to do what only

"No trend lasts forever. Every market is maturing. Growth and decay is a natural process in business as it is biologically. This means that there are trends underway today, however imperceptible, that will affect the way you do business in the future-or determine whether you will be in business many years from now."

*William H. Franklin, Jr.
Georgia State University
(Financial Strategies)
Fall 1987*

they could do, and at a fraction of the price. A G3 Power MAC with Photoshop 5 can meet the retouching needs of almost any application you put photography into these days. And putting a spin on an old saying let point out that while “necessity is the mother of all invention”, INVENTION IS THE FATHER OF MUCH NECESSITY for those in business. If they make it, we seem to end up needing it. Who can be in real business today without a fax machine, an invention that none of us needed in 1987. We bought computers because we have to have them. We buy Photoshop, because we have to have it, or at least know where to find someone that can do it for us. They invent it and we end up needing it.

Does this mean that trends drive technology, or technology drives trends? Well, after many years of observation, I am of the opinion that technology drives trends. Or, we could say that invention drives trends. Here's an example. Years ago, 3M Corporation was trying to invent something we now know as a super strength adhesive, like CRAZY GLUE or SUPER GLUE. Obviously, you do not have to be a rocket scientist to see that there would be a market for this product. In the process, 3M's scientists produced thousands of glue formulations, which did not work. One was so weak that it was laughable. The scientists, in trying to make the world's strongest glue, actually made the world's weakest. Guess where that glue ended up? You probably have some on your desk right now. It is used on those POST-IT notes you stick to everything that needs to be temporarily labeled. The invention created a multi-million dollar product line. Invention creating necessity in action.

Ok, I understand, you are sitting there thinking: this is interesting but what does it have to do with the photography business. So, let me tell you the answer. NOTHING.

Your business is not inventions. It is artistic and journalistic creations, and there is a big difference in that you do not make products that roll off assembly lines. You

make ideas visible, and you make the visible available and desirable to be seen. No technology can replace you. As Harvey Lloyd, a past president of ASMP, once said at an ASMP meeting back in 1987, in the way only he can say it (if you know Harvey, you know what I mean) “there is no substitute for individual creativity.” Technology can not replace it or even come close. That is why photography is secure as a profession. Our tools may change, but as long as people want to see things that are not in front of them, they will have to look at images, and photography is the science through which they are made.

So here is what is sometimes referred to as an irreversible trend: Photography will be around forever. Someone will have to, and will want to, do it. Now that photography's future is secure, how do you secure your future within it? Understand and exploit trends is the answer. What trends? I am not talking about the trends like youthful looking, gray haired people are needed as subjects in stock photos because they are a growing market segment. Not that that isn't an important trend, but it isn't going to make or break you. I am talking about bigger trends. Trends which direct the entire industry, not just a part of a segment of it. You have to deal with the BIG trends before you plan to accommodate the smaller ones. It isn't as hard as it might seem. Although some very big companies fail to do it well at times. Remember a few years ago when Microsoft, the great leader of US business, had to reverse direction. It had been planning future domination of a world of disk-based computer applications. Then it realized that other forces were pushing application delivery and access toward the Internet. Bill Gates turned the entire company's strategy around in two years. Today, the US Justice department is alleging that he might have done it illegally. The fact is that legal or illegal, he did it because he recognized the trend change brought on by invention in the telecommunication industry. He didn't

get to be a billionaire by chance.

Let's now consider an example of trend analysis that has some direct bearing on your business. Let's examine stock photography business trends. You may not be involved directly in stock photography, but it does have an influence on your business, regardless of your participation. Business trends can influence

your business even if you don't engage in the segment of the business generating the trend. Bill Gates was in the computer software business, but he watched the telecommunications business, and saw a trend that would change his business.

So, let's look at stock photography. In 1970, stock was primarily generated by editorial outtakes. You could make a few extra dollars that way, but you were not going to get rich. Even the stock agents didn't get rich in those days. About 1972, The Image Bank (TIB) and a couple of other companies began to motivate the production of stock for its own sake. After all, outtakes were inferior seconds. Strategy: look at the inferior quality that is selling and make higher quality images of the same nature and sell them for more. Sell them to markets beyond the editorial marketplace, like advertising. Preproduced work could save an advertiser many thousands of dollars. It was a natural. It worked, and many companies grew and flourished. High quality was available at reasonable *cont. on p. 13*

“An irreversible trend: Photography will be around forever. Someone will have to, and will want to, do it.”



DONATING TO CHARITY

Your clients will appreciate it BY ELYSE WEISSBERG

My first year in business as a photographer's agent was very exciting. In those days, (the early '80s) I was able to see 20 art directors a week. In NYC where I am located, all the agencies are in proximity. It was easy to get from one place to the other. It was even okay to set up a "mini office" in reception areas. I'd call art directors from the complimentary phone provided, to ask if they had a few minutes to see the portfolio. By the end of that year, I managed to see 600 art directors, designers and picture editors. At holiday time, I wanted to do something as both a good will gift and a promotion to thank people for their time. Since it was important to incorporate the "personal touch", I decided to bake 2,500 chocolate chip cookies. It took me three weeks. (The small NYC ovens held me up a bit.) I asked Jack Reznicki, my photographer, to accompany me to deliver the cookies. The art directors enjoyed meeting him and the gift was well received.

In following years, (the middle to end of the '80s) a series of "good will" holiday gifts followed. Among them were personalized food baskets, Jack-in-the-boxes and apple cider (imported from Reznicki vineyards — of course). These efforts never directly brought us jobs; they were never intended to. We did it for name recognition and fun.

More recently we have changed our approach to holiday gifts. A few years ago we started making donations to charities. I researched different charities, both local and national. I asked questions about how much of the donated money actually gets to the people the charity supports and took time to learn about different charities. Most of these organizations are easy to work with.

They will mail pre-printed announcement cards to your clients. All you need to do is to provide the list. The card basically says, "A generous donation has been made on your behalf from John Doe Studio."

Last year we made our donation to the Children's Aid Society. A week after the acknowledgement card was sent, I received a call

from one of our clients. She said she received the card and was very touched. It turns out that her nephew is helped by the organization. It made me feel so good. In fact, the most thank you calls I ever received from clients were after we donated money to charity on their behalf.

Although fruit of the month club, liquor and playful gifts are all acceptable holiday favors, giving to charity puts your heart in the right place, and makes you feel good too. If you haven't organized your client gift list, consider donating money to charity as an option for the holiday season.

To help make it easier for you, here are some of the charities I have contacted.

"The most thank you calls I ever received from clients were after we donated money to charity on their behalf."

Charities List

- **God's Love We Deliver** (212) 294-8102 - (delivers food to home restricted individuals who have AIDS or are HIV positive). No national phone number. It is a New York City local group. The acknowledgement card changes from season to season. Speak with Terry Hamilton who is the director @ (212) 294-8108.
- **Make a Wish Foundation** (800) 722-9474 - Cards are index size, white, with blue border. A wishbone in the corner. Printed inside is the general acknowledgement of donation and at the end it reads, "... you've helped make a child's wish come true." One week turnaround. Attribute donation and include client list and your name. Smart to send at the beginning of November. Contact Patty McGuire.
- **Fresh Air Fund** (800) 367-0003 - During holidays, the turnaround time is usually one week. The acknowledgement card is in the form of a postcard with children on the front and a Seasons Greetings message on the back.
- **American Heart Association** (800) 242-8721 - Turnaround time is 7-10 working days. Can send a check to local office, pay credit card on the phone or Web site.

Elyse Weissberg is a photographers' representative and creative consultant based in New York. She can be reached at 212-227-7272 or visit her Web site at [www.elyserep.com].

TRENDS *cont. from p. 11*

prices (sound familiar?). But like all good things, the business became overcrowded. In 20 years, TIB was the largest stock agency in the world, and it was on the verge of bankruptcy because the good thing (new trend) which it helped invent, had been exploited by hundreds of other stock agencies and many individual photographers who set up their own niche enterprises. Any successful entrepreneur will tell you, to be successful, you have to know when to get into the business, and when to get out of it. Fortunately, Kodak bought TIB, and saved it from bankruptcy, and the subsequent shock waves that would have been created. The biggest stockholder of TIB became a multi-millionaire in the process, while the photographers had to wait three to six months for their royalty checks.

The high quality stock trend was created and exploited. There is still a market for it, if you are savvy enough to be able to negotiate the turbulent waters of that segment of the business. This successful fulfillment of this trend driven market also gave rise to another, the generic stock market. If you could selectively produce high quality images at reasonable costs, you could certainly produce medium quality images at reasonable cost, making stock available to a marketplace that previously could not afford photography. So, the generic stock photography business was created, not by a trend but by a parallel market created by a trend. It was boom times for ten years, till many photographers produced hundreds of millions of photographs ready to be licensed. Eventually, there was a glut of generic photography. Oversupply erodes price and entrepreneurs responded by using technology to make generic images profitable for them. They invented photographic clip art. And some of them became or are becoming millionaires in the process. Photographers are getting the crumbs. Generic photography isn't worth much anymore. High quality at a reason-

able price is the trend, just like it was in 1972 when TIB started. The bottom has dropped out of the generic stock photography market from oversupply and excessive competition. That will happen in the clip art business over the next decade, because, while it meets an demand, it does not exploit a trend. Demand and supply are troubling uncontrollable variables. Trends are attitudes that drive consumption.

Recognizing the attitudinal trends is the key to understanding the future of evolving markets. If you can anticipate a trend's impact, you can design your business to exploit the trend. This is strategic planning. In my next article I will write about the information trend. Why we have entered the information age and how photographers can identify and exploit its evolving trends. ∞

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TAKING ON AOL

The biggest infringement suit? BY CARL PURCELL

About six years ago my wife Ann and I read an article by David Walker in *Photo District News* about the wondrous new technology of digital photography. It was fascinating, but also frightening, because it offered an almost unfettered way to replicate and distribute high quality images. As travel photographers, we were concerned about the protection of our copyright. We were right to be worried, because copyright infringement on the internet has become a serious problem and the very essence of copyright in this new environment is being fought in the courts. We have already recovered in excess of \$80,000 in copyright violations, but our biggest battle has yet to be fought. Unfortunately there are major forces out there who would like to see the Internet become a place without

copyright protection. After reading the *PDN* article, Ann and I spent two or three restless nights, but finally came to the conclusion it was necessary for us to embrace the technology, deciding it was useless to resist progress. The following year, Eastman Kodak introduced the Kodak Photo CD, a disc format which became the industry standard for the archiving of digital photographic images. We methodically started to have the best of our photographic library scanned onto these discs by Digix, a division of Eastman Kodak.

About this time, we became aware of a fledgling computer network company based in Vienna, Virginia called America Online. We tried twice to contact them by mail with a proposal for a forum on photography, but with no success. Finally, through e-mail we met a young man who worked for AOL and told him about our idea. He responded by saying

that the director of his division or channel was very interested in our proposal and we set up an appointment.

When Ann and I walked in for that meeting, I carried an old PAN-AM flight bag which contained 25 Kodak Photo CDs. When I laid them out on the conference table, Lyn Cameron, the head of the computing and graphics channel was obviously impressed. We walked out of that meeting as partners with AOL.

The introduction of our forum caused quite a stir at AOL. Lyn confirmed that our forum was a hit and at our first partner's conference in Washington, DC—AOL staff members and executives were warm in their praise. Our forum, *Pictures of the World*, was not only a critical success, but AOL subscribers voted via

come screen of our forum, known by the acronym POTW.

The financial rewards were not great, but we were very excited to be on this new frontier. (We received only a small percentage of the connect-time.) We were, however, very careful to protect our copyright. Each picture we uploaded into the AOL mainframe had our copyright embedded on the edge of the image and the text of the captions warned that our pictures were copyrighted. Our forum

clearly stated that our images could only be used for personal, non-commercial purposes.

How often were our pictures infringed? Even once is too often, but the biggest thief turned out to be our senior partner, America Online.

We found out to our dismay, that AOL executives and staff were helping themselves to the pictures in our forum. One of our images of the Supreme Court was used to illustrate an area about following legal rules. The button which led to that area was embellished with the faces of AOL founder Steve Case and top executive Ted Leonsis. Our copyright on the edge of that image had been neatly and intentionally cropped out. We stumbled across this and hundreds of other images in casual browsing of the rapidly growing online service.

When we first discovered the infringement of our pictures, we were understandably upset, but we decided to make the best of a bad situation. Why not offer AOL the opportunity to use our pictures in other channels and forums in exchange for fair



Carl and Ann Purcell

© 1984 LAURA PURCELL

"We found out to our dismay, that AOL executives and staff were helping themselves to the pictures in our forum."



compensation? After all, we were in the business of stock photography and thousands of our pictures had been licensed to other clients. We suggested this and our manager, at that time, asked us to write a proposal to make our images available to AOL and we did that.

This was shortly before another AOL partners' conference which was scheduled to be held in Phoenix. Prior to the meeting we asked the advice of the director of a commercial digital stock image network about how much we should charge for the use of our pictures. The answer we received was amazing. This company had actually been negotiating with AOL to license images at a set rate of \$20,000 a month. We were surprised that AOL had not informed us about this tentative arrangement. That agreement, however, was never finalized because the company refused to indemnify AOL for any misuse AOL might make of the pictures provided.

At the end of the conference there was a general partners meeting which was casually referred to as a "gripe session" and partners were encouraged to discuss business problems which they faced. CEO Robert Pittman personally replied to questions from the floor. I bit the bullet and asked the question about this failed licensing agreement, suggesting that it made good sense to turn to partners like ourselves for the needed content. Mr. Pittman was unhesitant in his response. AOL should, whenever feasible, turn first to partners for services and content. I left the conference, confident that we had a bright future with AOL.

Optimistically, we entered into an extended negotiation with AOL to receive compensation for the use of our photographs. Talks took place over approximately six months. The content managers we dealt with led us to believe that this contract would be approved and that clearly indicated to us that our forum was a valuable asset to AOL. While these negotiations were moving forward, however, AOL

abruptly notified us that our forum was being canceled. Naturally, we were disappointed and wrote a personal letter to Robert Pittman, asking him to reconsider the AOL decision. There was no answer.

Ironically, the AOL staff members who made the decision to terminate our forum never met us and had never talked to us previously. We were very sorry to see what we had worked for so long and so hard go down the drain. Our impression was that of arrogance and indifference. The deadline for termination came. We checked onto AOL and were shocked to see that our forum, with more than 4,000 pictures, was still available. We asked the attorney we had retained to notify AOL that the company was in massive violation of our copyright and he had done so, but amazingly all of our pictures remained available for at least three weeks after the forum was canceled.

By this time, we were really angry and instructed our attorney to file suit on our behalf for copyright infringement. AOL's response was almost unbelievable. They claimed that by uploading images into our own forum, that we had abandoned our copyright and they now owned our pictures. We recalled our fellow-photographers warning us about copyright theft. Our worst nightmares had come true. Thousands, probably millions of users upload intellectual property into the various channels on AOL. How will they feel when they learn that AOL is claiming ownership of what they create? That will be a bombshell.

Then one morning I was browsing through AOL in an area called AOL Press. I found a banner which advertised FREE ART FOR YOUR WEBSITE, and I typed "Purcell" into the search engine. To my shock it came up with 742 of our finest portfolio images which were being given away free-of-charge to the public at large, while AOL subscribers were paying to have access to the service. This gross abuse of our copyright was almost beyond our com-

prehension.

AOL has been a corporate steam roller in their attempt to crush our complaint. They hired a huge international law firm, although they maintain an in-house staff of about 50 lawyers. The company has heaped abusive discovery on our shoulders, demanding a financial history of every one of our pictures which appeared on POTW. We

have shipped crates of documents, literally hundred of pounds, to California to meet these demands, all returned to our San Francisco attorney - uncopied. We spent almost a full week being deposed and videotaped by the attorneys representing AOL. These highly paid lawyers delved into every aspect of our business lives and even asked many personal questions. Meanwhile, AOL has hidden documents and obstructed our own legitimate requests for information in a brazen attempt to defy the law. Their attorneys have instructed witnesses not to answer scores of questions and been scolded by a judge for doing so. They obviously hope we will give up and go away. We won't.

This lawsuit could be the biggest copyright infringement case in history. We will see it through to the end and we hope it establishes a clear precedent on copyright protection for the Purcells and every other photographer in the business. ∞

ASMP MEMBERS

The outcome between the Purcells and AOL could determine how we do business on the Internet.

Please help by contributing to the ASMP Legal Action Fund by calling ASMP 609-799-8300 ext. 1200.

THE STAKES ARE HIGH BY KARL OLSON

A David-and-Goliath battle between two renowned photographers and on-line behemoth America Online is shaping up for a trial in November which will test whether AOL can be held accountable for unauthorized use of photographs after terminating an on-line forum.

The Purcell v. America Online case will be tried before a federal court jury in San Francisco starting November 16. Photographers Carl and Ann Purcell brought the case after AOL — which cancelled their *Pictures of the World* forum June 30, 1997 after the forum had netted AOL \$1 million — continued to use the Purcells' pictures without authorization. AOL also offered over 700 of the Purcells' photographs on an on-line site called AOL Press under the heading *Free art for Your Web Site*.

The stakes in the case are large. It is believed to be one of relatively few cases involving photographers challenging copyright infringement on the Internet, and the scope of the alleged infringement — there were over 4,000 photos on the *Pictures of the World* forum — is massive.

AOL's defense of the Purcells' claim has, as the Purcells put it in

a court filing September 2, "reflected a transparent attempt to drive up costs and to obtain maximum advantage of its superior resources." AOL objected to every single information request made by the Purcells, dragged out the pretrial discovery process for months, and as the Purcells said in their September 2 brief, "obstructed discovery and used economic leverage in an attempt to hide documents and cause unneeded expense."

AOL also filed a counterclaim against the Purcells, claiming that the Purcells inadvertent reference to AOL on their Web site constituted trademark infringement and would cause "irreparable harm" to the \$20 billion corporation.

Time — and a federal court jury — will tell whether creators like the Purcells, who have travelled to nearly 100 countries taking the pictures which generated \$1 million in income for AOL, are able to benefit from the new technology of the Internet, or whether multi-billionaires like AOL's Steve Case reap all the benefits. ∞

Karl Olson, the attorney representing the Purcells, is a partner in the San Francisco firm *Levy, Ram & Olson, LLP*.

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COPYRIGHT LAW CHANGE

A breakthrough for Aussie photographers BY PETER SKINNER

After more than five years of intense lobbying, photographers in Australia have achieved a breakthrough in the country's copyright law. And while the new law, effective from July 30, is not exactly what members of the Australian Commercial and Magazine Photographers, ACMP, had sought, it is a vast improvement from the previous copyright law. Nancy Cohen, of Sydney, New South Wales, said that ACMP was formed specifically to lobby the government to change the copyright law which stated that, in general a photographer owned the copyright to their work except when commissioned for a promise of any valuable consideration, and in the absence to an agreement to the contrary. In other words, if you were paid for an assignment, the copyright belonged to the client unless there was an agreement stating otherwise. Under the new law, all commercial photographers, including editorial, corporate, advertising, and public relations, automatically own copyright in their work. However, Cohen reports that private and domestic (wedding and portrait) photographers were separated from this change and are still subject to the old exception to the general rule. "Wedding and portrait photographers, therefore, must still be sure to retain copyright to their work by contract. This will be looked at in the near future, and hopefully it will change later this year," said Cohen.

"This exception was not made known to us until the 11th hour as the vote was coming up, and therefore we had no choice but to take what was being offered and look forward to further change at a later time."

ACMP is a sister organization of ASMP, and shares reciprocal membership. Cohen praised ASMP international committee chair Matt Herron for helping ACMP sustain its goals.

"We formally began lobbying (for the copyright law change) in 1993. This process involved countless trips to the capital (Canberra) to meet with members of parlia-

ment and convince them change was needed and that photographers were disadvantaged under the existing law. We tried to back this lobbying up with letter writing campaigns, but found it difficult to get pho-

tographers to take any action," said Cohen.

Most active in the legislative effort were Cohen and fellow photographers Chris Shain, and Gregg Hocking, president of the Australian Institute of Professional Photographers (AIPP) which also gave financial support. Additional help came from the Australian Copyright Council, in particular Libby Baulch.

Others who were instrumental either in helping to change the law or the way in which photographers work, and in helping to get ACMP on its feet, were photographers Gilbert Rossi and David Roche.

"This was a bi-organizational achievement, and ACMP would not exist nor would the law be changed today if not for the support of the AIPP. The AIPP put time, money, and the efforts of their membership firmly beside ACMP," said Cohen ∞.

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NewsLines

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

ASMP wants more equitable Canadian copyright law

ASMP has urged Canada's director of copyright policy, Richard Matthews and the director of intellectual property policy, Danielle Bouvet to seek a change in Canada's Copyright Act to comply with the WIPO Copyright Treaty. ASMP's managing director Victor Perlman, in responding to the Canadian government's call for comments on changes to the copyright law, pointed out that a number of ASMP members, including Yousuf Karsh, are Canadians and many more members do work there. Because of Canada's proximity, ASMP has a great interest in aspects of Canadian law and business that affect freelance professionals.

Perlman wrote that while Canada's law follows the prevailing approach in the Berne and WIPO countries, there is one major deviation. Canadian law presumes that "the author of a work shall be the first owner of the copyright therein" but changes the presumed owner from the author to the commissioning party for the limited category of engravings, photographs and portraits, and only for those categories of work.

"This narrow exception flies in the face of the copyright laws of the other major, English-speaking countries, as well as many, if not most, of the other significant producers of copyrighted works in the world," wrote Perlman. He added that photographers from other countries, such as the United States, the United Kingdom and Australia, who come to work in Canada expecting to own the copyrights to the works they create, will find themselves deprived of the copyright ownership to which they are entitled elsewhere. The law also affects Canadian photographers who will own their copyrights in most other countries but not in their own.

ASMP's comments were requested by CAPIC, a trade association with similar goals as ASMP's.

California, NJ and CT members

ASMP members who wish to enroll in the CIGNA health plans in California may now do so at any time during the year for coverage to be effective on the first day of the ensuing month. Previously, California members could enroll only during the first 30 days of January each year and new members were permitted to enroll during the first 30 days of their membership. Members in New Jersey and Connecticut are now eligible to enroll in CIGNA health plans. For further information, please call Burt Diamond at TEIGIT, Ph:212-758-5675.

ASJA contracts watch benefits

Writers and photographers have much in common when it comes to contracts and protecting rights. A valuable free service ASMP members might be interested in is provided by the American Society of Journalists and Authors. To receive the ASJA contracts watch send the following message: To: ASJA MANAGER@SILVERQUICK.COM Subject: CONTRACTS WATCH Complete Text: JOIN ASJACW-LIST.

A complete, searchable archive is available on the World Wide Web. Find it, with other valuable information and tips on freelance contracts, rights and copyright, at [<http://www.asja.org/cwpage.htm>].

In memoriam: Joe Toto

New York advertising photographer and strong advocate for photographers' rights, Joe Toto has died in New York City after a long battle with diabetes and cancer. He was 63. A leader in the field of people and illustration advertising for over 30 years, Toto was best known for his unique casting, elaborate sets, attention-to-detail propping and wardrobing, and his humor-tinged direction of talent. One of his best known early photographs was of the movie poster for *Rosemary's Baby* in 1968 which propelled his career. As a long time member of ASMP, Toto was involved in fighting for rights and fair business practices. He was a key figure in the failed effort in 1976 to establish ASMP with the National Labor Relations Board as a collective bargaining agent for photographers. Toto was also

instrumental in establishing the ASMP advertising photographers' committee in 1979, a move which ultimately led to the formation of the Advertising Photographers of America in 1981. In May 1986, the New York chapter of ASMP honored him in a presentation *Joe Toto: Award Winning People Photographer*. A tribute is possible later this year and for additional information, phone Mark Kozlowski at 212-684-7487.

ASMP member featured speaker in New Zealand

Noella Ballenger, a leading nature photographer based in La Canada, Calif., was the featured speaker at New Zealand's Fotofest, July 30 - August 9, and at the central regional convention of the Photographic Society of New Zealand. In addition, she was the keynote speaker at the North

Shore annual awards gala in Auckland on August 12. Fotofest, New Zealand's international photographic convention, attracted hundreds of professional photographers, photo-journalists and photo enthusiasts from throughout New Zealand, Australia, China, England, Switzerland, Chile, and the United States.

George Lepp honored

Well known nature photographer, author, and lecturer George Lepp of Los Osos, Calif., has been awarded the Photographic Society of America's highest award, the Progress Medal for his contributions in providing practical photographic information and numerous other achievements. Lepp, an ASMP member for many years, has also invented several popular accessories.

Bulletin Statement of Purpose

In creating a new look to the *Bulletin* we did not lose sight of one vital fact: the *Bulletin* is the cornerstone of ASMP's communications. In comparison to our other means of communication (the Web site, special mailings, and fax communication) the *Bulletin* is the most appealing, accessible and robust vehicle we have for disseminating information and promoting ASMP's goals. The *Bulletin* exists to stimulate an exchange of ideas among professional photographers. The *Bulletin* should be a publication that is sought after, that is considered an essential part of a photographer's career success kit, and that engages its readers and provokes their response.

The *Bulletin's* goals ought to parallel and support those of the Society: to protect and promote our profession, to promote high standards and ethics, and to foster communication and understanding. In deciding on the content to be chosen for the *Bulletin*, we need to ask ourselves whether these words and images, and the way they are presented:

- improve members' understanding of conditions in their market or specialty
- give members knowledge of their buyers and competitors
- promote more standardized business practices among photographers
- stimulate communication among members
- help to improve a member's business
- raise stature of ASMP, and the regard in which it is held
- increase membership.

Good news, bad news California sales tax up-date

The bill to reform California sales tax, SB 664, which in general would have made the licensing of usage of images exempt from sales tax, died in committee even though Senator Cathie Wright, the bill's sponsor, tried to get its language added to another, larger and more general tax bill.

The good news is that Senator Wright, who has

two more years left in office, still believes in the bill and plans to re-introduce it in the next legislative session, which starts in January.

ASMP thanks the California directors, chapter presidents, and members for their letter writing and other efforts supporting this bill and the Society will keep on trying.

What's Hot

TSI contract upsets some photographers

ASMP has noted that the new three-year contract that Tony Stone Images is asking its photographers to sign is not going down well with many photographers. And while some have signed the new contract, others are resisting. Reportedly, several groups of TSI photographers have hired lawyers to argue their case for better terms. Among terms in the new contract that have aroused the ire of photographers are the reduction from 50 percent to 40 percent of domestic on-line sales rather than the 50 percent now received for analog domestic sales (which they will continue to get); more stringent exclusivity requirements; and putting greater onus on photographers to indemnify Getty Images (owner of TSI) in the event of legal claims against TSI.

A press release from TSI says that the new agreement has already been endorsed by TSI's consultative photographer panel - the Photographer Advisory Group - in both the U.S. and Europe. It says that there will be no changes in financial arrangements for marketing and licensing images in analog format where TSI's rates are 50 percent for an in territory transaction and 30 percent for an out of territory. As one photographer asked, the big question is whether TSI shooters are going to roll over and take it (the agreement) as is, or argue their point for better terms. According to an on-line *PDN* article, Getty recently announced another superb quarter to its shareholders. However, Getty is under pressure to cut operating costs and photographers' percentages are one of the major expenses. But, as one photographer noted, without the photographers and their images, where would Getty be? The TSI contract issue is a hot on-line topic in the ASMP members' only forum [www.asmp.org] and elsewhere.

MEMBERS: Tell us your Major Metro Area

We are expanding the searchable ASMP database on the Internet to include members' major metro areas and thus make it easier for photo buyers to find ASMP members by location. This will mean that members living near, but not in, a major metro area will not be overlooked when a buyer designates that city in a search. For example, a photographer living in Irvine, Texas, can list Dallas as their major metro area and be found in a search of Dallas.

Also, members living near several major metro areas may designate up to three. To facilitate this service, please notify ASMP National of up to three (3) major metro areas you live near by fax 609-799-2233; e-mail (Concepcion@asmp.org) or from the **Find a Photographer** site on the ASMP website [www.asmp.org].

NOTE: This applies only to ASMP general members. The **Find a Photographer** service on the Internet through [www.asmp.org] is a member benefit for general members only.

LEARNING *cont. from p. 9*

needed a plan that's consistent, easy to understand, and fair to both photographer and client. It must make sense both logically and practically. It can't require years of experience to use.

In asking for our help Kodak was asking "Which uses should photographers be paid for and what is a fair price to pay?" It's a reasonable question for any client to ask. If the world's largest supplier of professional photographic materials is having trouble understanding how professional photographers price assignments it's a good indication that other clients may be having trouble too. It became clear that this was a rare opportunity for photographers and a major client to work together on a common problem.

FOR THE PAST NINE MONTHS, the *Large Conf Rm* on the fifth floor of Kodak's headquarters has been our meeting place. Kodak executives, photographers, the executive director of ASMP and its president all had a chance to suggest needs and possibilities, present requirements, and make difficult issues clear. There were hard questions, and candid answers. We worked as a team, and in the end, a plan emerged.

Early in the process the logical difficulty of our problem became clear. By any measure of fairness, the fee for the reuse of assignment work should be based on the fee charged for its original use. Yet a look at common billing practices assured us that it's impossible to determine the original usage fee from the information most of us

provide our clients. Stating the rights granted on an invoice doesn't help without knowing the fee charged for those rights, and neither day rate nor creative fee shed light on that fee.

The heart of our plan is an agreement between buyer and photographer on the conditions of the original use and the fee that is charged for it. The client must be specific about the use that will be made of an image. The photographer must be specific about the fee charged for that use, separating it from other fees and costs of production. This becomes the basis for any additional use of an image, which is calculated from a database of factors.

With this agreement neither the costs of production nor the value of the image's use to the client are ignored. The buyer receives credit for the payment of production fees and expenses in the original photograph by not being asked to pay for them in subsequent uses. The photographer receives payment for the value additional use provides the client. Both photographer and client are clear about what any additional use will cost. Reuse of an image can be licensed by the client at any time, without negotiation, by making one phone call to

MP©A. Photographers get checks in the mail.

YOU KNOW, WE USED TO DO IT THAT WAY. Historically photographers have tried to be clear about the value placed on the use of their images. Copyright ownership was won because photographers were clear about not wanting to be paid as employees. Day rates were

established to help offset the cost of producing unused editorial work, while a higher space rate was paid for the actual use of images. Portrait photographers have instinctively controlled their negatives as a means of protecting their livelihoods, which rest in the value of prints sold to customers. In each case the value of the image has been tied to its use, and photographers have priced their work in a way that made that use clear to clients.

For many reasons, we've found it inconvenient to itemize the value of usage, yet we still hope to be paid for it. As in any other business, we must be able to tell our customers what they're paying for and how much it costs. The plan we've agreed to with Kodak is a first step toward putting usage back on the table. It will require significant change in every Kodak division. We applaud their effort and commitment.

This plan will also require effort and commitment from photographers. We'll need to become more knowledgeable about the business we're in. We'll need to be more specific about the rights we license and the fees we charge for them. We may need to draw on outside resources for help in understanding what fees are fair. All of this is good for the business of photography.

Change is often uncomfortable, usually unpredictable, and always inevitable. Here in Western New York, we're looking forward to it. With the support of ASMP, some frank talk with our clients, and some teamwork among photographers, we're hoping to steer change in our direction. We'll let you know how we do.

"Historically
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Along with Forest McMullin, James Cavanaugh, Andy Olenick, and John Weston, Woody Packard is a member of the committee formed to create the ASMP/Kodak Reuse Plan. — © 1998, Woody Packard

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.

ALASKA

Dan Evans, GM
H. Gage, D. Daniels

ARIZONA

Grant Evans, AS
S. Bennett, P. Jansen

Burt M. Wachtel, AS
M. DeCastro, P. Markow

AUSTIN/SAN ANTONIO

James A. Dumms, GM
C. Spalding, K. Walker

Paul Gordon, ST
Sam Houston, State Univ.

BALTIMORE

Jennifer Bishop, GM
Chapter/pre-approved

Katherine M. Brennan, GM
Chapter/pre-approved

John V. Crabb, AF
Chapter/pre-approved

Benita Elliott, AS
Chapter/pre-approved

Nancy Kavanagh O'Neill, GM
Chapter/pre-approved

Peter Ire Levine, GM
Chapter/pre-approved

Russell C. Poole, GM
Chapter/pre-approved

CENTRAL VIRGINIA

Robert Chancler, GM
S.K. Brown, D.B. Phipps

CHICAGO

Dan Durrier, AS
AP/pre-approved

COLORADO

Bo Bridges, AF
R. Keep, B. Harrington

Selina Oppenheim, SU
G. Kinney, M. Lichter

DALLAS

Charles Ford, GM
T. Boole, J. Myers

Jon Freilich, AS
AP/pre-approved

Cheryl Vorhis, AF
J.W. Burkey, S. McAlister

FOREIGN

Constance Wallace, GM
C. Lee, B. Coates

HAWAII

David Cornwell, GM
Chapter/pre-approved

Peter French, GM
Chapter/pre-approved

Tobiah Hoogs, GM
Chapter/pre-approved

LOS ANGELES

Susan L. Goldman, AS
AP/pre-approved

KANSAS CITY/

MIDAMERICA
Catherine Sternbergh Davis,
GMTf
AP/pre-approved

NORTHERN

CALIFORNIA
Peter A. Distefano, AS
AP/pre-approved

Scott Manchester, AS
AP/pre-approved

Dwayne Newton, AS
AP/pre-approved

Thor Swift, AS
AP/pre-approved

Robin Weiner, AS
AP/pre-approved

NEW ENGLAND

Timothy Gilman, AF
J. Kannair, C. Ross

Thaddeus B. Kubis, GM
E. Poggenpohl, T. Rosenthal

Adrian Miller, ST
New England Sch. of Photo.

NEW MEXICO

Eddie Hironaka, Senior
J. Robinowitz, C. Herz

NEW ORLEANS

Alex Demyan, AS
Chapter/pre-approved

Philip Gould, GM
Chapter/pre-approved

Irving Johnson, III, GM
Chapter/pre-approved

Susie Leavines, GM
G. Long, M. Osborne

Stephen Legendre, GM
Chapter/pre-approved

David Rae Morris, GM
Chapter/pre-approved

Julia B. Sims, GM
Chapter/pre-approved

Burton Steel, GM
Chapter/pre-approved

NEW YORK

Sharie Alexander, AF
L. Goldberg, A. Gescheidt

David Ash, GM
L. Goldberg, A. Gescheidt

Michael Berger, AS
L. Goldberg, A. Gescheidt

Michael Darter, GM
L. Goldberg, A. Gescheidt

OHIO VALLEY

Melodie Fickenscher, ST
Northern Kentucky University

Erica Hardesty, ST
Kenyon College

Tomlin L. McGuire, GM
D.M. Francis, T. English

Lela Mendoza, ST
Ohio State University

OHIO NORTH COAST
Denise Dixon, ST
Cuyahoga Comm. College

Misty Hurst, ST
Cuyahoga Comm. College

Thomas W. Jeffers Jr., AS
A. Teufen, G. Hildebrandt

Sharon A. Pecoraro, AS
F. Schwelik, A. Teufen

Piet Van Lier, AS
AP/pre-approved

OREGON

Randy Boverman, GM
Chapter/pre-approved

Christie Hazen, AS
J. Hart, M. Dahlstrom

PENNSYLVANIA
Kenneth Bill, ST
Art Inst. of Philadelphia

PITTSBURGH
Bonita Brandt, ST
Art Inst. of Pittsburgh

Matt Bulvony, GM
Chapter/pre-approved

Molly O'Bryon-Welpott, AS
J. Wolf, M. Bolster

Alexander Patho Jr., AS
Chapter/pre-approved

SEATTLE/NORTHWEST
Katie Preftakes, AF
R. Olson, D. Mason

ST. LOUIS

Thomas Gannam, AS
AP/pre-approved

SOUTH FLORIDA
Richard E. Arguello, GM
P. Morris, R. Taylor

UTAH

John Mootz, ST
Salt Lake Comm. College

Andy Shearer, AS
M. Roberts, W. Milner

WESTERN NEW YORK
Gyan S. Penrose-Kafka, ST
Rochester Inst. of Technology

OurCover

Frank Siteman made our cover shot in style and comfort in December 1996. Volcan Arenal, a classic cone that dominates the rich agricultural area of San Carlos, Costa Rica, is said to be one of the world's most active volcanoes. The day Siteman made this shot was beautifully clear, so while lazing around the thermal pools of the Tabacon Hot Springs Resort, he had plenty of time to plot the course of the lava flow. The volcano seemed to rumble and spit red-hot boulders every hour. Siteman and his travel companion reserved an outside table for dinner at dusk, with an unobstructed view of the cone. He set up a tripod, focused the camera towards the area that had been the most active, set the camera for a long exposure and waited for that eruptive moment. When the show started, he began shooting.

"Unfortunately, in the process of reaching for the cable release, the tripod got jostled and the camera moved out of position. I snapped away anyway, positive I had missed the shot," said Siteman. Soon after, clouds rolled in and Arenal went into hiding for the rest of Siteman's trip. But two weeks later he found he had the shot dead-on.

He captured the image on Fujichrome RDP film using a Nikon F3 and 300mm f2.8 lens. Exposure was 8 sec. at f2.8.

Siteman, a self-described grizzled veteran of stock and assignment photography is based in Winchester, Mass. When not working with corporate or agency clients, he travels, organizes productions, and shoots for stock.

Classifieds

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