

Copyright and Photography

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“Copyright legislation is part of the wider body of law known as intellectual property. The term intellectual property refers broadly to the creations of the human mind. Intellectual property rights protect the interests of creators by giving them property rights over their creations.”

“Intellectual property relates to items of information or knowledge, which can be incorporated in tangible objects at the same time in an unlimited number of copies at different locations anywhere in the world. The property is not in those copies but in the information or knowledge reflected in them. Intellectual property rights are also characterized by certain limitations, such as limited duration in the case of copyright and patents.” (WIPO)

Our copyright laws state that the author has the right to authorize or prevent certain acts in relation to a work. The rights owner of a work can **prohibit or authorize:**

- (1) The reproduction, or copy, of the work.
- (2) The preparation of new works that derive from the copyrighted work.
- (3) Distribution of the work to the public by sale or other arrangement and
- (4) The right to display the work publicly.

“Shops, hairdressers and pubs etc all need licences to play music - photographers, like musicians, own the copyright in their work and issue licences to enable people to reproduce their images.” (AOP)

In commissioning me, you pay for my time and typically an allocated number of prints. During that time I make work to which I am automatically entitled to copyright (under the Copyright Designs & Patents Act 1988). Therefore any reproduction without permission would be an infringement of copyright.

When I issue you a license to use the work produced during that time. I am giving you permission to distribute and display the work to the public, in order to promote your business activities. This license is time limited (with options to renew), just as with a license to play music to the public.

You will be using it with the intention of supporting, promotion and sales activity, through well crafted and appropriate visual communication.

In this litigious age, and as owner of the copyright, it is prudent for me to hold a model release (Granting permission to publish the photograph in one form or another. The legal rights of the signatories in reference to the material is thereafter subject to the allowances and restrictions stated in the release) for any work I do that involves capturing a likeness of a person. This not only protects me, but also my clients, in the course of our business activities, from any spurious future claims that may arise from those that are photographed.

It also assures those being photographed that their image will not be used in a defamatory way at any time.

The above is intended to protect all parties, through a clear understanding of each party's rights and responsibilities when entering an agreement of commissioning.

It is all in accordance with the Copyright Designs & Patents Act 1988, and follows the guidelines of the Association of Photographers.