Creative Brief - Winter 2014

Welcome to 2014 and the new Spaces Images creative brief. Please take the time to read this through as we feel there is some very important and exciting news for all of our contributors. 2013 was a year of continuing to build a strong platform for Spaces Images and all our contributing artists. By teaming up with Blend Images and making use of their very powerful back end, we are finally assured that future changes to distribution, keywording, and time to market problems will be far behind us. We want to thank each and everyone of our contributors for believing in what we have built here at Spaces Images. It has been a lot of hard work by yourselves as well as our staff, but we can safely say that Spaces has reached the goal we mapped out from the start.

It was very important for us to gain access to Getty Images as well as forty other agencies that were not representing us in 2013 and we were able to make that vision a reality. You will also see a

new direction in Spaces content that will allow you to produce an ever growing collection of images that still encompass the environments that we are known for. We still have a lot of work to do to keep us ahead of the industry, but we hope you will see in this creative brief that we are doing just that. It is our goal to continue to push Spaces Images to make it one of the leading licensers of stock imagery in the industry. With our new distribution and the support of some of the best photographers in the business, we feel confident that 2014 will be the largest growth year for Spaces Images to date. Thank you all for your unending support. Are you ready? Lets have some fun!

Introducing Spaces with Faces:

Spaces Images is very excited to take another step towards offering our buyers images they have been unable to find until now. Our focus will always incorporate environments we live, work and play in, but now we are going to be asking for images that include people that are living, working and playing in those locations Spaces is so well known for. We are looking for strong images that now incorporate people into their environments, be it at work or play. Someone kayaking through trouble, a blur of people rushing through their busy lives, a climber working his or her way up a trial head, or an image of a lifestyle that shows off the culture of a specific region and its people. Spaces is now asking for all of its contributors to start thinking about your next shoot and how you can add the element of humanity that still incorporates the environment in which they embrace. With the addition of adding people to our growing library, this opportunity also allows you to get the most out of your locations. We still want your beautiful location images without people, but we would also love to have those same locations with the addition of people engaged in their environment. No worries, we do not want you to change up what you are doing unless this is something that you are excited to produce. We still want our collection to be the main source for buyers looking for location imagery, but on top of that, with our new distribution in place, we feel it is time to expand the concept of Spaces to offer this new extension of our already strong image library . We have seen for years, images that are property and model released are among the leading sellers in the industry, and since Spaces photographers are the best at obtaining the toughest part (the property release) it seems only fitting that we offer this opportunity to not only our buyers, but to our photographers that are comfortable with shooting lifestyle imagery. To help everyone start to understand what we are looking for, we will be adding images and detailed explanations over the coming briefs to help explain just what a Spaces Images lifestyle shot should try to incorporate. We will take a look at several images in this brief. Four are from images we pulled that we feel are good examples of what we are looking for. The rest are images already created by Spaces photographers for this first upload and are a perfect example of what we are after. So enough with the long introduction lets talk Spaces Images Lifestyle and share some photos.

These two images of a person working late in the office are such easy images to create once you have obtained an office location. There is no need for extra lighting with these static shots. The available light is perfect, you just need to place the subject in the proper location to create the look you are after. A few minutes of spinning fluorescent tubes until they are off can give you a very styled look. Just remember to spin them back into place before leaving. If you can obtain the appropriate location, the number of images that you can now create for Spaces by bringing a friend or model along with you can grow from just a few location images to a great deal more with the appropriate script. Spaces is always excited to help you create a shot list if you gain access to a strong location. This location with two models (a man and woman) could easily produce 25-30 excellent top selling shots if the location is strong and your shot list is well produced. Spaces has 16 years of script writing experience for stock locations. Please let us know whenever you have a strong location. Together we can help you produce the strongest shot list for the current market trends. Another area to stay focused on when shooting lifestyle imagery is the wardrobe. It is very important to dress your model to fit the environment, but it is also important not to use styles that are too trendy. Once that trend has left the market so does your image. In an office setting I would look at your classic sports coat and slacks as the best option. Even a tie will set your images into a specific time frame as they change more regularly than a sports coat and button up shirt. This is just an example to share that when working with people it is very important to dress them to fit their environment. You will see more examples of this later in some imagery from Phil Borges and Berthold Trenkel.

This is an excellent use of adding the human element without focusing on just the person. They are simply part of the operating process. To add the dimension of the person offers buyers a much

clearer story to share with their audience. This is also an excellent example of an image that can be produced with a person and also without. The conveyor belt is an iconic symbol of shipping. If you ever have the chance to gain access to an assembly line or a shipping company that uses belts to move their product Spaces would be very happy to support your efforts in writing a detailed shot list to help in your production.

We have shared some beautiful and possibly hard to get locations with some of these examples so lets look at a one that is more easily obtained. Here is a great use of the voyeur effect by viewing this image through foreground elements. Please notice that the foreground element is as important a part of this image as any. The need to use the correct subject matter in every part of your image-making is what separates the top sellers from the rest. Attention to detail is everything, although it appears like the foreground in this image is just some yellow bars, in your mind you know what those bars represent and how it helps support the environment and story that this image captures. Every inch of your canvas should support your concept. I have always followed one very important rule when I am on a shoot "when in doubt, take it out." If there is something in your shoot that does not support your image then please take the time to fix the issue. Dirty counters or unswept floors will detract from your work, so if you are going to take the time to shoot, please take the time to prop out your shoots and pay close attention to details. I guarantee the returns and accept rates will show in your efforts.

Now let's look at what a few Spaces Photographers have created for the launch of Spaces with Faces

I presented this concept to photographer Phil Borges a few months ago and on his last trip he took the time to shoot some images that incorporate this concept so beautifully. I am very excited to share them with you all. Phil is perhaps the greatest photographer I have had the pleasure to know, so to see him come back with images I had mentioned only briefly was a wonderful surprise when his last submission came through. By adding a person to his shots, Phil gives the viewer the opportunity to feel right in the middle of these environments and also adds scale to these incredible locations. The environments themselves are breathtaking, but by placing a person in these images we start to see just how majestic and remote these locations truly are. Thank you Phil for contributing these beautiful images and making this new direction so much easier to explain.

Next on the list is Spaces photographer Rob Casey. I love this shot from Rob, it creates so many options for buyers. The idea of dealing with adversity, fighting the current, defiance, just to name a few all come through in this image that Rob was able to capture. Rob is a master at Kayaking and by knowing his subject so personally he is able to provide images that truly tell the story. Also, in writing a shot list for Kayaking Rob would be able to come up with a list a mile long that most of us would never think of. I always encourage photographers to embrace what they know well. Your hobbies are a great place to start and when you keep a camera handy you never know what image you might come away with. We also want you to remember that Spaces Images is a collection of images that depict the places we live, work, and play. This does not mean that all images for Spaces need a property release or a model release to be a successful image. Rob was able to accomplish the task of creating a very strong and unique image and has no need for either a property or model release for this one. We love our property released images and so do our buyers, but that is not all Spaces Images is trying to offer it's audience. So what do you have in your life that you can share with Spaces buyers? You might find yourself or someone you know

that has hobbies or work locations that would be perfect for your next submission. Thank you for this wonderful photo Rob, this is another perfect example of people interacting with their environment.

To add to our ever growing list of photographers, I would like to present Berthold Trenkel. Berthold has been sending us some beautiful work in our classic Spaces Images category, without people. His most recent submission of Paris is breathtaking so please be on the lookout for his work as it is being uploaded later this month. Berthold sent me a gallery of some of his most recent travels and included in it were some breathtaking photos that Berthold had taken while abroad. In the gallery were these beautiful images that just happened to fit our newest direction to a tee, so it was a great pleasure to see his e-mail come across my desk while I was in the process of writing this entry. It was as if Berthold had come up with the concept completely on his own. There was this beautiful collection of images that included people and not just your standard stock "smiling at the camera" stuff, but people truly interacting with their environment. Berthold was way ahead of the curve when he shot these. He was even able to obtain a large selection with model releases, so you will be seeing more of his work added very shortly. Today I just chose a few examples to share why I feel they work so well. These images are a perfect example of people interacting with their

environment and what we would love to see more of here as we continue to embrace this new addition to Spaces. You don't have to go to the far corners of the earth to make beautiful imagery. For our addition, Spaces needs people interacting with their environments from every walk of life, from dishwashers to doctors, people interacting with their environments are big sellers in the stock industry and are a growing need for all of our distributors.

What more needs to be said that this image doesn't already present? This is an iconic shot that has to be done exceptionally well to stand out against this already heavily produced concept. The lighting, the pose, the placement of the subject, along with it being an easy read, will make this image jump out ahead of its competitors. A perfect example of keeping it simple so the viewer can see this story even as a small thumbnail it will compete with on an agencies page. This image actually covers two areas. It can be used for commercial purposes and because it is so beautifully crafted, it will be desirable by fine art buyers as well.

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web www.btrenkel.com == blog.btrecket.me == email berthold@trenkel.com

In this image, Berthold has shared a story with us and created another beautifully crafted image. Every inch of this photo supports his story. The color palette, the location, the costuming and props, the lighting, even the way the tree in the foreground supports the shape of the arch behind it and adds that element of nature. I mentioned earlier how important it is to have a foreground that supports the image and does not distract. Here is another excellent example of making sure your image only contains what you wish to share with the viewer. Even though this is a busy shot all the lines work in unison so even as a small thumbnail this image never appears cluttered.

Once again we have an image that tells a very clear story and covers the subject of faith and religion that is a constant request from image buyers. Being that it is rather specific, this is an image that would do well in the Rights Managed model. This location coupled with a model release makes this photo very hard to replicate and due to the environment and the subject this image will be able to stay relevant and useful for many years. I mentioned before when we start to incorporate people, we have to think about their appearance and how well it suits the environment that the subject is interacting with. Here the girl being barefoot and wearing clothes that could easily cover the next decade will keep this image available and selling for a very long time. Adding people to

images helps their sales as the buyers are always looking for lifestyle images to help tell their story, but at the same time as photographers we want our lifestyle images to stand the test of time, so please remember to pay attention to the details and make sure they support your story rather than distract the viewer.

I just happened to be looking at Facebook at the right time when we saw this wonderful image from Spaces contributor Rob Tilley come through on his feed. When I saw this image I immediately contacted Rob to ask if he would be interested in adding it to the Spaces collection. Rob's first reply was "Yes of coarse, but there are people." It was great timing to find this image by Rob that adds people to their environment, but it is not just the addition of people, it has much more to do with how Rob envisioned the shot. Rob's approach to creating this scene is the sign of a great photographer. It was his use of the space, the people, and his exposure, that made his vision come to life. The feeling of movement and the fast paced hustle and bustle is so well defined by Rob's use of a long shutter speed. The location is an iconic one and without people would be a beautiful addition to Spaces, but by adding the movement and the people rushing about their day this image now tells a clear story about the location and our everyday lives that jumps off the page. There will be a bit of extra blurring to take out anyone that might be recognizable, but once again, it is the addition of the human element that turns this image from a location shot to a story for our buyers. Thank you Rob for making our job of explaining people in their environments so much easier by adding this image to the creative brief.

I have a couple of my own images that I shot for Spaces of an equestrian training facility. I was not prepared to shoot any lifestyle but I was busy shooting the indoor arena when my assistant Raquel put on a cowboy hat. She was already dressed for the cold day so I set her in the best spot for the available light and banged off a few frames. At the same time some people stated to train so I set up a drag shutter and snapped a few quick shots of the arena, but this time in action. I came away with not only the arena shot but in a matter of five minutes was able to create three more images to add to my submission. This was not planned, so remember to keep your eyes open when on a shoot and as important as it is to write a shot list before going to shoot, it is just as important to stay sharp and improvise when you see the chance. Even though we cannot see Raquel's face this image we still need a model release. By adding the people using the facility you can see how it can offer buyers a great deal more applications than just the arena. I shot just the arena as well, so instead of one shot of the arena I came away with four shots that all present a different story for our buyers and all in the matter of a few minutes.

I also wanted to share an image I made for Getty several years ago as it pertains to the next topic on our creative brief. Winter weather shooting. This image was actually shot during a sunny day in the summer after it rained. I shot this lying in the street with a long lens and captured cars as they came over the hill. I took the image back to my office then started to work the curves and make the image darker, the sun reflections off of the street is what created the look of ice in the middle of summer. I then added lights to the car, changed the sky behind the car to support the weather and presto. I have had this image sell several times and still it is a strong image for the market to date. Waiting for the right vehicle was also an important part of the image. By making it an SUV it also supports the concept of bad weather conditions. The best part about making images like these is it cost me only my time and the effort to make it stand out among its competition. Remember this, when producing your work, this market is more competitive than ever before, but that doesn't mean you cannot make a strong sustainable income from stock photography. It appears that there are many variables to making a strong image, but it comes down to just a few… strong story telling, making sure everything in the image supports the concept, and keeping it clean so it reads well as a small thumbnail. These three elements are the steps to follow in all of your image-making. If you follow these rules with all your shots you will find your sales will grow rapidly and your returns will last for years. We are professional image creators, remember that every time you push the button.

Spaces Images: Ahead of the Curve

We thought it was interesting to see that the industry is just starting to pay attention to the need for content that we at Spaces have been aware of for quite some time. Being ahead of the curve is always good and I think after you have read what iStock and Getty Images have just released, you will be pleased to see that it is our property released content that now more than ever is a must for all our distributors. So sit back and see what iStock photographers are just waking up to. This is a very strong sign that what we have been building at Spaces is what the rest of the industry will now be chasing to catch up with.

In the past we have typically announced policy changes and content guidelines exclusively through the forums. Going forward we will be producing articles outlining the changes with image examples (where possible) that will assist in clarifying the changes that are going to occur. This particular change in policy is already being implemented but it will take a few months to complete.

What is changing?

Due to an increase in claims from homeowners, and to provide a better experience to our customers who license content from us, images/clips shots of private residences without property releases from the owners will no longer be accepted as creative content. In the coming months, existing files without property releases will be deactivated from iStock and will no longer be offered from iStock or its partner sites.

What is not acceptable and what is?

If a single unreleased private home is the subject of a photo or video, it will be deactivated and will

not be eligible for future submission without a property release. Previously, we have accepted photos and videos of private homes that were shot from public locations. That will no longer be the case. The new guidelines set out here will apply regardless of where the photo or video was shot. Street scenes and vistas depicting three or more homes shot from a public place without a release are still acceptable.

NO RELEASE REQUIRED

RELEASE REQUIRED

Several homes, street scene with none main focus

Single home main focus - requires a release.

Multiple dwellings

Non generic close up that contains features that make the location identifiable (Trees, landscaping, decorations...) -requires a release.

Home that plays a minor role in the photo

2 homes but one is the main focus of the image - both homes require a release.

Generic close up.

Recognizable or unique interior - requires a release.

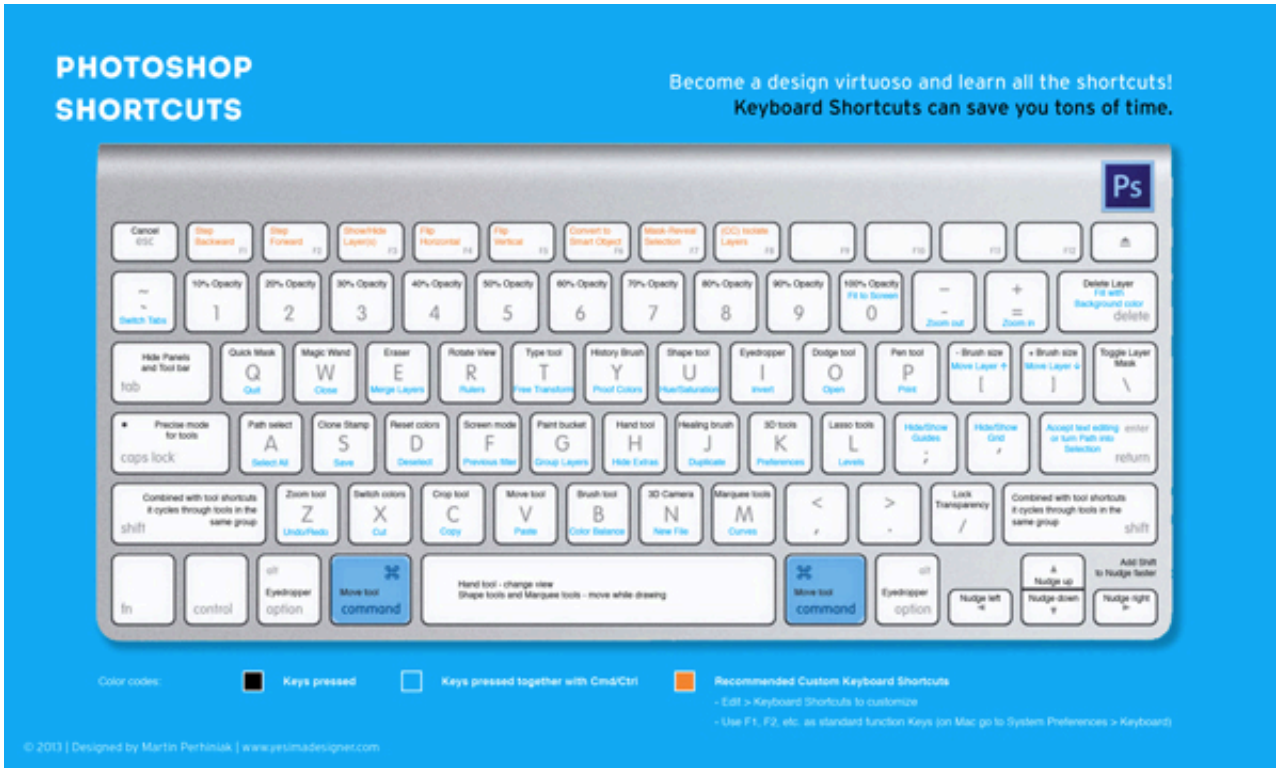
Why this change now?

We've seen a steady increase in image claims involving this content. When taken on private property, legal claims are warranted and this content has always been prohibited. However even when shot off the grounds of private property, this content is problematic. Where we face claims from homeowners, under the terms of our Artist Supply Agreement, you are responsible for any costs associated with those claims. This change is about managing your risk, our risk and customer risk. Also, keep in mind that people identify very strongly with their homes and have a gut level negative experience that they share with our licensees, which does result in costs to you, iStock, and to our customers.

LINKS

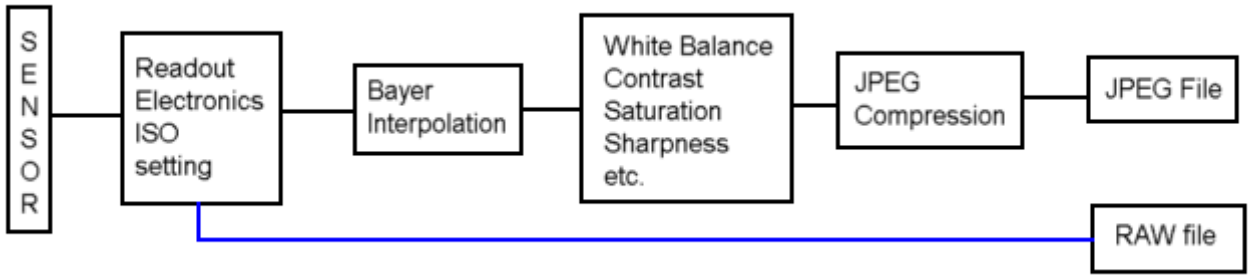
Welcome to Links. This is an ongoing addition to our creative brief that we think is well worth a peak. During the quarter we come across interesting articles and reviews that we think you might find handy. So when you find yourself with some spare time check out some of these links.

Bad Photoshop Habits :



Even after all these years of working in a digital environment, upon reading this article I found mistakes I have been making for years. I never used to make my image a "Smart Object" before transforming, OOPS! After reading this post I think you might find there are some areas that we can all benefit from. Take the time to check this link out HERE. I found it to be a great help and a wonderful reference for one of the most important parts to your workflow, the post production.

Raw vs. JPG:



Want to understand the difference of shooting in Raw as apposed to JPG? HERE is a great link that helps to explain the what, whys, and hows of shooting in RAW.

Photoshelter: Help with your Business

Photoshelter sent us a PDF on better business practices as a professional photographer. It is an interesting read so we thought we would add it to the brief for those of you that eat, breath, and live photography. There are some helpful tips in this PDF that even a seasoned vet can appreciate. We hope you find something useful. Click through on the link to read what Photoshelter has to share. Click HERE to view the PDF.

Gadgets:

We try to stay ahead of the fast paced photo gadget market. It seems like everyday there is a new piece of equipment that makes our job just a bit easier. Take some time to check out these toys. Over the coming month we will be adding our own reviews as we field test some of these helpful tools.

Zeiss' newest lens, the best glass for your DSLR but be ready to drop a chunk of change.

You may not want to drop 4K on a single lens, but we are a big believer there are two areas on the technical side of image creating that matter the most…your sensor and your glass. Since you have already picked out your camera and the sensor that accompanies it, the rest is all about the glass. I have three Zeiss fixed lenses for my Canon and I can say that from corner to corner they are by far the sharpest lenses I have ever used. Mine are nowhere near as expensive as this little gem, but if you are dreaming you might as well dream big. This is the new baby from Zeiss, The Otus (Finnish for "creature") I could not justify spending 4k for a piece of glass for my DSLR, but just so you all know what is available at the very top end, I thought you might get a kick out of this review. You can check it out HERE.

Want to make your life a little easier?

This link to Shutterbug is a great find. We have not field tested it ourselves yet, but our order is in and we will have an update to the blog as soon as we get the chance to play with it. In the meantime check out this link to Shutterbug. If it turns out to be everything they say it is it will add years to your life and help with some of the stress and worry of time lapse, HDR,. and all your camera needs from the comfort of your mobile phone. Check it out HERE.

HERE is another similar piece of equipment from Photojojo. Once again we are waiting for the shipment before testing, but we have heard some good and some not so good feedback from users. We will give you a complete follow up in the blog once we get our hands on it. For now it is the least expensive of these options at only $30. However, you are tethered to your camera with it, so no lounging by the pool as you fire off your next shot. Stay tuned we will be updating both these pieces of equipment over the next month.

This last link in our Gadgets section is…well, you decide. Is it helpful or just another thing to weigh down your gear bag? This is not one we are going to field test, but it was kind of fun so we thought you would get a kick out of it. It's a bit Buck Rodgers, but maybe that's half the fun of it. If you already have one we would love to hear some feedback. Check it out HERE.

Straight from the desk of Getty Images:

Getty Images is by far the leader in sales for stock photography, so when they ask for specific imagery it is always good for us to pay attention. Getty sends out these requests regularly and we will be adding them to our creative briefs whenever we believe they will helpful for our contributors. Here is a list of images that Getty is asking for, but along with their list we have added some of our own requests from this icy winter. If you live in a cold winter climate then it's time for it to start paying off.

Winter in the City

We are looking for more image content showing urban winter and we need it all: up-to-date skylines, city establishers, people enjoying the snow, as well as drivers and commuters struggling

in wintery conditions. Get outside and capture winter in the city!

Winter City Establishers (All times of day and different weather please!)

- Skylines
- Neighborhoods, streets & parks
- Winter views of well-known landmarks
- Single buildings

Winter Lifestyle

- People Exercising in wintery city or park
- Families enjoying time in the snow
- Couples and families ice skating in the city

Commuting & Urban Transport

- People struggling on snowy, icy streets
- People shoveling snow, clearing sidewalks and driveways
- Cars stuck in wintery conditions
- Snow trucks clearing the streets
- Slow traffic in winter weather

Straight from the desk of Spaces Images:

Here are some ideas to add to the list that Getty has provided. You see that we make our requests a bit more specific. This is only to help you along the way to creating your own concepts that embrace the winter season. I hope some of you can wrap up warm and capture some of this much needed content. Remember this is an exceptionally cold winter so now is the time to climb out of your cave and brave the storm.

- A string of Christmas lights on a rail with only one light working. The background is important, snow would be best. A long lens with the background thrown out of focus would read well. Classic colored bulbs are a must. A version of the above with all lights working but one.
- Someone shoveling snow from a walkway or driveway. Lots of snow so it looks like an endless task. Shoot from behind the shoveler while they shovel. Get images as they shovel as they are throwing the snow, etc.
- Driveway or walkway shoveled with big pile of snow next to drive with shovel stuck in.
- Car or cars buried in snow.
- Front door of house covered deep in snow shot from outside, no access due to snow.
- Car slid off road in ditch during snow storm, you can go hunting or you can use your own

car just make sure you don't get stuck.
- Road flares set out and burning with a hazard triangle on snowy or icy road. Shoot from down close to the flare and back away from it as well. You could park your car up ahead off to the side so it looks like you are in trouble, throw car out of focus. You might need to shoot an HDR to hold the detail in the snow as well as expose the flare correctly.
- SUV in poor weather conditions on side of road with back open full of presents and road flares out. Location is important on this one, the more isolated the better.
- Back of SUV open with lots of presents parked in driveway. Probably an HDR.
- Dump truck laying sand on ice or snow. Tough shot to make pretty but I have faith if you get it it will sell. I would shoot it similarly to the shot I have shared previously in this brief of the car driving towards the camera but from behind showing the sand coming out off the back of the truck with the snowy and sand as foreground. The lower the better but be very careful when you are out in these conditions. This shot could also be of a snowplow but shot from the front straight on with a long lens so you are safe.
- Delivery boxes stacked at the front door in snow, with christmas lights around door or a fake wreath would be even easier if you have one. This can be shot with lights and without this does not have to read Christmas it is a solid image either way.
- Trash can in snow with Christmas wrapping sticking out the sides, take time to prop it so it reads clearly lots of colored paper. You might want to use a longer lens and a low depth of field so the garbage can stands out from the background making the background a bit easier for you to create.
- Jogging in the snow.
- Snow angel marking in a perfect bed of snow, clone out any footprints make snow supper clean.
- Cross country skiing down an empty city street, stop light in background would be perfect.
- Shoot straight down on an SUV with ski rack and skis on top, shoot on snowy road.

There is a short list to get you thinking. I realize that many of us do not have access to this weather, myself included, but if the weather has you stuck at home there is no better time to go out and make beautiful imagery, remember you guys are the best in the business. Turn on your thinking caps and start coming up with your own snow shot list. Coming up with the ideas is half the fun, but remember to keep your concepts easy enough to replicate them clearly. See the image in your mind then go turn it into pixels.

Just an FYI that I hope all of you are already quite aware of. It is not worth getting hurt to get a shot, so at all times follow the law and be extra safe by wearing the right gear, carrying water, and treating it like you would any harsh weather situation. Just because you are near help does not mean you will receive it. Travel with a friend or another photographer. It is important to have a spotter to keep you safe while you are working on getting the shot, especially in poor weather conditions. The need for someone else to support these kind of excursions is very important

I also suggest buying a few camera covers to help keep your baby safe from the storm.

Here are a few links to help get you started.

OP/TECH

RUGGARD - RC-P18

RUGGARD FABRIC CAMERA RAIN COVER

COPYRIGHT: An important part of your Post Production

Amy and I recently spent the afternoon lecturing at an ASMP function on copyright. There is a great deal of information here about copyright and the laws that apply. The one area to remember is that your images are yours the second you take them. You do not have to register them with the U.S. copyright office. However, if you do take the time to send your images in within 90 days of creation you will stand a much better chance of collecting the maximum financial reward if you are ever infringed. It doesn't take long and you can send them in batches, just make sure you do it within 90 days of creation. If you ever have any questions regarding copyright, either Amy or myself are always available to answer any questions you might have. It may not be an easy read, but it is well worth your time. Save it for an evening when you have your favorite drink and find yourself between books.

Copyright Information offered by the U.S. government can be found HERE

Here is some key information:

Claims to copyright in published and unpublished photographs can be registered in the Copyright Office. This document describes the methods available for applying to register single published and unpublished photographs, collections of unpublished photographs, and photographs published together in a unit, such as in a calendar or a book. For information about how to register groups of published photographs, including contributions to periodicals, see fl-124, *Group Registration of Published Photographs*. For complete details about application procedures, fees, and deposit requirements, see Circular 1, *Copyright Basics*; Circular 40, *Copyright Registration for Works of the Visual Arts*; and Circular 40a, *Deposit Requirements for Registration of Claims to Copyright in Visual Arts Material*.

Published or Unpublished? Under copyright law, publication is the distribution of copies of a work—in this case, a photograph—to the public by sale or other transfer of ownership or by rental, lease, or lending. Offering to distribute copies to a group of people for purposes of further distribution or public display also constitutes publication. However, a public display of a photograph does not in itself constitute publication.

The definition of publication in U.S. copyright law does not specifically address online transmission.

The Copyright Office therefore asks applicants, who know the facts surrounding distribution of their works, to determine whether works are published.

NOTE: Published and unpublished photographs cannot be registered on the same application.

Single Published Photographs and Published Units With one application and filing fee, you can apply to register a single published photograph or an entire unit or package of published photographs—for example, photos in a calendar, a set of baseball cards, or illustrations in a book. You can apply to register these types of photographs using eCO or paper Form VA. See Circular 1, *Copyright Basics*, or SL 35, *Registering a Copyright* with the U.S. Copyright Office for details.

Note: Published and unpublished photographs cannot be registered on the same application.

Unpublished Photographs You can apply to register a single unpublished photograph or an unpublished collection of photographs with one application and filing fee using eCO or paper Form VA. For collections of unpublished photographs:

- the photographs must be neatly assembled;
- a collection title must be provided;
- the same party must be the copyright claimant for all the photos; and
- one author must have either created or contributed to all the photos.

NOTE: Regardless of publication status, applicants should assign a title to each photograph deposited and specify the title on both the application form and the deposit itself. Do not use "untitled" as a title. If you file using eCO, use the contents title field (not the alternative titles field) to list the individual titles. If you use Form VA, use continuation Form CON.

This information is provided by Attorney *Carolyn E. Wright*

This information is available HERE.

1. **Register your copyrights to your photos.*** When a photo is not registered with the U.S. Copyright Office prior to the infringement (or within three months of the first publication of the photo), a copyright owner may recover only “actual damages” for the infringement (pursuant to 17 U.S.C. 504 (b)), instead of statutory damages. Courts usually calculate actual damages based on your normal license fees and/or industry standard licensing fees. You also may recover the profits the infringer made from the infringement if they aren’t too speculative. Unfortunately, actual damages usually don’t amount to much so that attorneys will not take your infringement case on a contingency basis.

If your photo is timely registered for an infringement, you will be eligible for statutory damages of up to $150,000 for a willful infringing use. See 17 USC §504(b) and (c). Legal fees and costs also

may be recovered from the infringer. See 17 USC §505. Additionally, you need to have received your registration certificate to file a complaint for a copyright infringement lawsuit in most jurisdictions.

**Check Carolyn's* article for *how to register your work and the PhotoShelter step by step tutorial on how to register your copyrights*

2. **Put your copyright notice on or adjacent to each of your images.** The official copyright notice has three parts: the first part is the © (the letter "c" in a circle), the word "Copyright," or its abbreviation, "Copr." The second part notes the year when the work was first published. The third required part of a copyright notice is the name of the copyright owner. The final form looks like this: © 2010 Carolyn E. Wright. You may use the copyright notice without registering your images with the U.S. Copyright Office. Including a copyright notice is no longer required for copyright protection, but it is a good idea to use it.

When you use the copyright notice it may stop someone from stealing your photographs, either because it serves as a reminder that the work is protected or because the notice interferes with the use of the work when it is part of the photo. When you post a copyright notice along with your registered images, then the infringer cannot claim that the infringement was innocent (reducing the damages to as low as $200 per work) and the court is more likely to find that the infringement was willful, supporting the maximum in infringement damages.

3. **Put your copyright management information in, on and/or adjacent to each of your images.** Copyright management information ("CMI") "means any of the following information conveyed in connection with copies of a work or displays of a work, including in digital form (such as in the metadata of your photo file):

(1) The title and other information identifying the work, including the information set forth on a notice of copyright.

(2) The name of, and other identifying information about, the author of a work or...

(3) The name of, and other identifying information about, the copyright owner of the work, including the information set forth in a notice of copyright.

Section 1202 of the U.S. Copyright Act makes it illegal for someone to remove your CMI from your photo to hide the infringement. The fines start at $2,500 and go to $25,000 in addition to attorneys' fees and any damages for the infringement. You don't have to register your photo in advance to recover under this statute. So, if possible, put your CMI as a watermark on your photo and in the metadata of your digital file (be careful that your CMI is not removed when using the "save for web" function).

4. **Make it more difficult for others to use your photos without your permission.** Even though a burglar can break into your home, you still lock your door and set the alarm. Do the same to protect your images. First, disable "right-click" so that novices cannot easily copy and save your images. Second, read the terms and conditions of any website where you may post your images or contest that you enter to make sure that you're not giving up rights to which you're not aware.

5. **Prosecute unauthorized uses of your images.** Many people think that they have a right to use your photos or they won't be caught if they do. Fortunately, there are many tools to battle copyright infringement.

One easy option is to prepare a DMCA Take-Down Notice. Thanks to the U.S. Digital Millennium Copyright Act ("DMCA") enacted in 1998, the Internet Service Provider ("ISP") that hosts a website is not liable for transmitting information that infringes a copyright only if the ISP removes the infringing materials from a user's website after receiving proper notice of the violation. The notice must: be in writing, be signed by the copyright owner or the owner's agent, identify the copyrighted work claimed to be infringed (or list of infringements from the same site) and identify the material that is infringing the work. Additionally, the notice must include the complaining party's contact information, a statement that the complaint is made in "good faith," and a statement, under penalty of perjury, that the information contained in the notification is accurate and that the complainer has the right to proceed (because he is the copyright owner or agent). Check my article here: http://www.naturescapes.net/docs/index.php/articles/314 to learn more about how to prepare a DMCA take-down notice. Even if you don't reside in the U.S., you may use this great tool to stop an infringer whose ISP is in the U.S. from using your work.

Another option is to prepare a "cease and desist/demand letter yourself. When you don't want to alienate the infringer (the infringer is a potential client and/or appears to be an innocent infringer), you may want to contact the infringer to explain that the use is not authorized and either request payment of an appropriate license fee, a photo credit with a link to your website, or that the infringer cease use of the image. It's best to do this in writing – a letter by surface mail seems to have more clout than email correspondence. There are some risks in sending the letter yourself. First, the infringer may attempt to preempt an infringement lawsuit and file a request for declaratory judgment that the use is authorized. This may involve you in a legal action for which you may need legal counsel in a jurisdiction (court location) where you don't want to litigate. Second, your demand for payment may be admissible against you if an infringement case is filed. If you demand too little, then it may limit your ultimate recovery. To avoid this possibility, include in your demand letter that "these discussions and offer to settle are an attempt to compromise this dispute."

You may hire a lawyer to send a demand letter. When an attorney gets involved, the matter is escalated and tensions rise. While the infringer may be more defensive, the weight of your demand letter is dramatically increased if it comes from an attorney and the infringer generally takes the matter more seriously. Some attorneys charge a flat fee to send a letter; others may

charge a “contingency fee” which is based on the percentage of recovery or the fee may be a combination of both.

Your most aggressive option is to pursue your legal remedies by filing suit. Unless you have a breach of contract or some other state claim, you must file your infringement claim in a federal district court (http://www.uscourts.gov/districtcourts.html). To file suit, it is best to hire an attorney to help you because the legal procedures are complicated. Note that you have three years from the date of infringement to sue for copyright infringement.

Closing Statement

Thank you all for continuing to use Spaces Images as your distributor to represent your beautiful work. We have seen a very strong two months of image production from our contributors. It has been a great reward to be able to edit such amazing images from all of you and we look forwarded to the growth continuing throughout 2014. With Spaces now having 90 resellers promoting your work, there is not a stronger option in the industry for distribution. It is through both yours and our continued efforts that we will see Spaces Images have the strongest year of growth to date. We will not stop until we get Spaces to the top of the stock industry totem pole. Stay warm, stay safe, but don't let this weather stop you from what you all do so well. Just a few weeks from now, the crocus will start popping up and the days will grow longer, so bundle up now and get those winter shots before you find the snow gone and the sun welcoming spring. Once again thank you all for your continued support. We at Spaces will be working hard this year to make sure that your work is seen by more buyers than ever before.