



**THE  
BLACK  
BOOK**

**1997**

**Twenty  
Seventh  
Edition**

**The 1997  
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**THE  
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1997**

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**“Life is short, art long, opportunity  
fleeting, experience treacherous,  
judgment difficult.”**

*Hippocrates*

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**Who owns  
the copyright?**

The creator of a photograph is the owner of its copyright, with one exception. The exception occurs when the photograph is "work made for hire." The Copyright Act defines "work made for hire" as work done by an employee within his or her scope of employment, or work specially commissioned under a written agreement for certain purposes listed in the act (such as a contribution to a collective work or as part of an audiovisual work.) In such cases the employer or the person commissioning the work owns the copyright.

Physical ownership of a photograph does not mean ownership of the photograph's copyright. For example, someone who buys a photograph in a gallery acquires only the photograph itself, not the copyright for the photograph. The photographer (or employer or commissioner in the case of work-for-hire) retains the exclusive right to authorize others to use the photograph for commercial purposes.

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consequences of  
infringement?**

Infringement, use of a photograph without permission of the copyright owner, can result in remedies to the owner specified under the Copyright Act. These include monetary damages and seizure of the infringing materials.

**Are registration  
of the work in  
Washington and the  
use of the copyright  
notice necessary?**

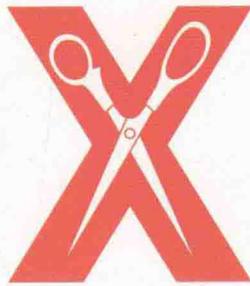
A copyright is valid and enforceable even if the copyright owner has not registered it with the Copyright Office. However, registration confers significant advantages to the photographer. In case of an infringement of a properly registered copyright the owner may collect statutory damages (up to \$100,000) in lieu of actual out-of-pocket damages, which are sometimes difficult to prove. Also, in such cases the court is authorized to award the copyright owner the attorney's fees incurred in prosecuting the infringement suit.

The copyright notice is no longer mandatory, though it also confers certain advantages in case of infringement, and has the useful function of advising potential users whom to contact. The copyright notice consists of the word "copyright" or the international copyright symbol (the letter C within a circle) followed by the year of the work's creation or first publication and the photographer's name.

**Black Book's  
commitment to  
its photographers**

Black Book has in the past assisted its photographers who are prosecuting claims of infringement, and it remains committed to this policy. Photographers can also obtain information and assistance from such professional associations as Advertising Photographers of New York, 27 West 20th Street, New York, NY 10010.

Alexander Gigante, Esq.  
Mailman & Gigante  
New York City



Ask first.

Dear Colleague:

As partners in the creative process, the organizations listed below are joining with *Copyright Clearance Center* in sponsoring this copyright awareness campaign. We encourage you to respect private intellectual property and the copyright laws that govern it.

Art or photography in portfolios submitted for a job should not be copied for any use, including client presentation or "comping," without the creator's permission. Similarly, images appearing in any of the talent sourcebooks and directories (either in print or electronically), should not be "swiped" for any reason. In case after case, the creator's property rights have been upheld, and those caught engaging in these practices were penalized, paying large fines to the artists.

We appreciate your desire to use our images. Even more, we are flattered and complimented. But for a number of reasons, artists may not want to have their images used in any way, including agency representations. And any use, including "comping," implies value that is worth some compensation.

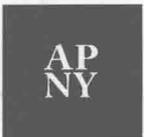
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Advertising Photographers of America



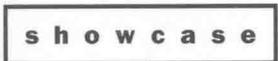
Advertising Photographers of New York



American Society of Media Photographers



Chicago Artist Representatives



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Society of Publication Designers



Type Directors Club



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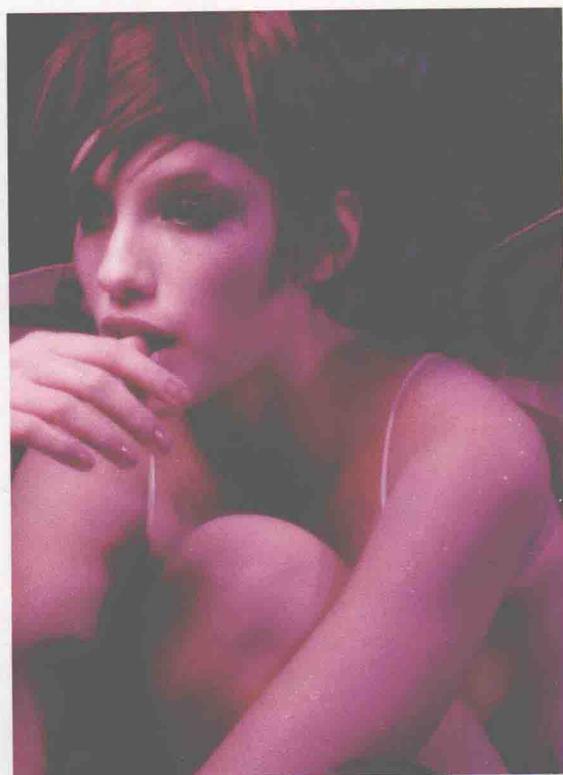
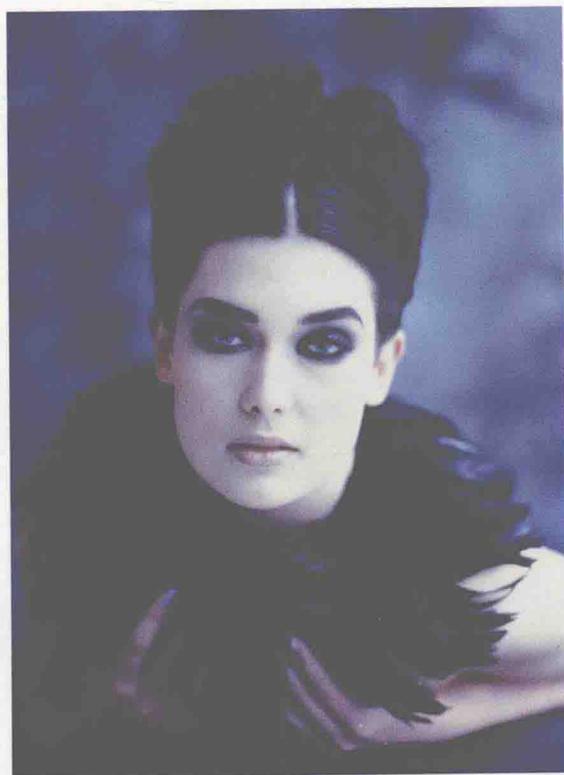
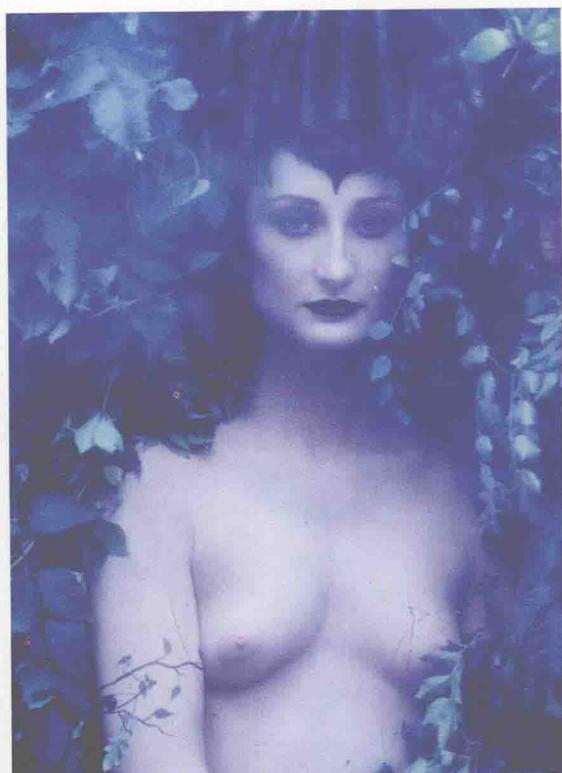
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