

....discovering those Inside Secrets



In every profession there are "inside secrets" that the pros discover and rarely share with beginners. Now that it's a new year - does anyone out there want to share a 'secret' with a just-beginning-amateur in this world of stock photography?
: Hank Williamson

PhotoSource Replies:
Secrets? Maybe

Advance Note: Need the answer to a stock photography question? At our website >www.photosource.com/board< you'll find our Bulletin Board, called "The Kracker Barrel." Check it out. Our staff answers marketing questions; fellow photographers offer their input and experience. The following is a typical exchange.

you were asking for some tips on how to make professional-looking stock photos for the book and magazine industry.

Like any successful entity, say like a professional football team, the more efficient you are, the better the results.

So here are some pointers:

In my seminars, I've noticed that newcomers often seem to make the same mistakes in composing their editorial stock **Continued on page 2**

Photo Stock Notes



VOLUME 10
NUMBER 389
February 2003

REGISTRATION? it's Critical

Question one in a copyright infringement case is whether the work has been registered with the U.S. Copyright Office. This is because — even though photographers have copyright protection from the moment they shoot — the protection is often useless with regards to getting infringement damages paid, if the image was not registered prior to the infringement (or within three months of the image's first publication).

Registration is required to recover attorney's fees and statutory damages — which is often the stick that motivates infringers to pay without litigation. Courts may award statutory damages between \$750 and \$30,000 per work; the minimum damage award is reduced to \$200 if the infringement is innocent, and the maximum increased to \$150,000 if willful. Willful infringement usually means knowledge of copyright protection, which is a good reason to place a copyright notice on all of your work.

Courts have enormous discretion in awarding statutory damages, and usually make a gestalt judgment considering factors such as compensation, deterrence, the value of the copyright, and the infringer's state of mind. Even with a finding of willful infringement, a court recently found that a \$30,000 statutory award was appropriate. [See *Getaped.com, Inc. v. Cangemi, Shields and Ski & Cycle Hut*, 188 F.Supp.2d 398 (D.C.N.Y. 2002).]

Without registration, actual damages or profit must be proven. For photographs, "actual damages" is often the fair market value of a license of the image; and profits, especially if the work was used in advertising, are difficult to prove.

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Are your visitors coming back?

GET THEM TO RETURN

So, you've just got your first website up and running. Good for you! Time to sit back and relax? You can. But only for a while. Then it's time to prepare for step two of having your own site.

The answer to getting repeat visitors — who will turn into repeat customers — is to regularly keep new content coming to your site.

Your site is like a storefront window, and you want to make sure you have new, fresh products there all the time. Getting new photos uploaded, adding new content and periodically sweeping out the old, are great ways to make visitors come back often.

By adding fresh content, new images, and making sure your site always is as fresh as it can be, you are accomplishing something really good. You are making sure that visitors to your site can look forward to seeing new and different material. You are showing everyone your up-to-date work and that you have fresh photos to offer.

Each time you add new photographs to your site, you can send a short e-mail to a selected number of the specialized photobuyers on your contact list, and alert them that you have recently made changes to your site. Best to send e-mails like this only to those you feel will be genuinely interested in your site and photography. If you send too much too often to too many, you run the risk of being seen as a "Spammer."

Personally, I have a list of some 50 photobuyers that I know are constantly looking for the kind of photos I make. These people get e-mail from me quite often with news about what I have to offer. I have another list of about 300 photobuyers that I know occasionally need my kind of images, and the people on this list get e-mail once every quarter or when I have made really major changes on my site.

In the "New" section of your website, put a few words about what images you will be producing in the near future. **Continued on page 2**

Focus On Key Issues For Editorial Stock Photographers