

Directed study

Research 3

Theme: (Street) Photography Rights

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1. Introduction

As part of my project I will attempt to answer your questions, formulating my own answers based on the information I found available.

2. Questions

2.1 Rights of amateur photographer

According to the information I was able to retrieve on the subject, a photographer (amateur or professional) can legally take a picture of anything and anyone that is in public. Also pictures of private property and people on private property) can be taken if the photographer is taking them from a public property. Legally picture can be taken anywhere, anytime. Morally, the issues are much more complicated.

2.2 Street scene- individuals photo permission

As you would see from the information I provided, there is no clear-cut answer to this questions. Street photography is a sore thumb issue that hasn't been dealt with in a proper way. As a general rule of thumb- if you have concerns that the person you are photographing might object, it is better to ask for permission. Situations that would show that person in negative light or in a humiliating way are most definitely situations where you should ask for permission. Exceptions to this rule might be acceptable, however they are a just that- exceptions.

2.3 Pictures of people with unidentifiable faces and publishing without permission

Based on the information below, you do not need a permission to publish pictures of people with unidentifiable faces.

3. Search resources and strategies

- **Search 1**

Search query: street photography rights

Relevant links found:

A reputable online community for professional and amateur photographers around the world

<http://www.pixiq.com/article/photography-rights-vs-respect>

Australian Government information on street photographer rights (there is information of the same kind quoted about NYS below, I thought this relevant because of the way the information was structured and most of the information is US relevant as well.)

<http://www.artslaw.com.au/info-sheets/info-sheet/street-photographers-rights/>

Personal experience related to street photography issues, posted on US's largest photography equipment retailer online (I thought this relevant because it gives background on issues that might be encountered while taking pictures as a street photographer)

<http://www.adorama.com/alc/0012830/blogarticle/Heroes-of-Photographers-Rights>

Reporters Committee for Freedom of the Press- a nonprofit association that is working to provide free legal assistance to journalists on photographer's guide to privacy.

<http://www.rcfp.org/photographers-guide-privacy>

<http://www.rcfp.org/photographers-guide-privacy/new-york>

Bert P Krages II- intellectual property lawyer on street photographer's rights

<http://www.krages.com/phoright.htm>

Andrew Kantor (a technology writer, former PC magazine and Internet world editor) article on digital photography and common sense.

http://usatoday30.usatoday.com/tech/columnist/andrewkantor/2005-12-29-camera-laws_x.htm?loc=interstitialskip

Unofficial Worldwide Photographer's Rights manual – caution is needed, the individuals that compiled it, although professionals in their area are not legally authorized to produce or publish this manual so, however the other resources I listed confirm most of the information listed in this manual.

<http://dougznz.deviantart.com/art/Worldwide-Photographer-s-Rights-Edition-2-324624426>

Renown street photographer's take on street photography frequently asked questions

<http://www.markushartel.com/blog/about-me/street-photography-faq>

- **Search 2:**

Search query: “street photography” AND law AND US

Relevant links found:

Eric Kim – LA based street photographer with practical advice on how to avoid and deal with confrontation in street photography.

<http://erickimphotography.com/blog/2011/10/how-to-react-defuse-confrontation-in-street-photography/>

- **Search 3**

Search query: “street photography” AND (tort and law) AND US

Relevant links found:

Vanderbilt Law Review article on Street photography

<http://www.vanderbiltlawreview.org/articles/2010/06/Zeronda-Street-Shootings-63-Vand.-L.-Rev.-1131-2010.pdf>

Open letter from National Press Photographers Association, Inc to Chief Charles Beck of the LA Police department regarding street photography.

<http://blogs.nppa.org/advocacy/files/2012/09/LAPD-Letter-09-19-12.pdf>

- **Search 4**

Search query: NYS Artist Authorship rights

Relevant links found:

Waiver of moral rights in Visual Artworks

<http://www.copyright.gov/reports/exsum.html>

American Society of Media Photographers – Property and Model releases during shoots

<http://asmp.org/tutorials/frequently-asked-questions-about-releases.html>

4. **Additional information**

4.1 Personal experience

I know the situation is a little bit different, but I have a personal experience with being photographed (with my permission and for my own purposes) by a professional photographer and later my picture was used for commercial purposes(without my consent) as a part of advertisement materials. This has been going on for years(commercial catalogs distributed to the chain of photography studios) and the photographer was a part of the Kodak photography studios. I met with a lawyer about it and from my conversations with him I was able to establish that there is no legal way to claim rights over the images, since they were not of a defamatory kind and I was aware

the photographer was a professional at the time he took them. Basically, he owned my images, because I was the one who engaged him to take a picture of me.

4.1 Interesting

This is not completely related to the subject we are discussing, but I thought you might like to share this copyright “spoof” with your students.

http://www.youtube.com/watch?v=CJn_jC4FNDo