

Photo Release

If I hire someone to take photos for my website should I obtain a release from the photographer? Where can I find a sample form? Thanks.

Use a contract. If you hire them, you want to be sure that you retain the copyright for the pictures, preferably the sole copyright (you do not want to see your pictures on my website). Further, make sure that the contract includes that the photographer is responsible for obtaining any model releases, should you use a model. Remember to read the contract (yeah, I know it sounds strange to tell a lawyer to read the contract, but we are some of the worst when it comes to our own stuff).

Frank J. Kautz, II, Massachusetts

Your question is not clear - are you asking about ownership of the photos or privacy/publicity issues? What is the "release" for?

Flann Lippincott, New Jersey

What Frank said; ideally you want to specify in the contract that the photographer is assigning the copyright to anything created for completion of the project.

Depending on the photographer though, you might get some pushback. I mean, you're a frickin' lawyer and it might sound like you're trying to run roughshod over him. I've said that the buyer has the exclusive right to use the photos in whole or part, edited or unedited, except that the artist can use the work as part of their promotional portfolio. I've never run into an artist that didn't like being called an artist, or one that actually wanted to resell work they did for someone, or one that wanted to surrender their copyright.

Steven O'Donnell, Pennsylvania

I want to own all rights and not be concerned that the photographer have any. I want total control.

Roger M. Rosen, California

Then you want to have a contract that has a "work for hire" clause with an alternative assignment of all rights should the "work for hire" clause not be effective, along with a waiver of any moral rights.

Kelcey Patrick-Ferree, Iowa

Agree with Kelcey. There are a billion six forms if you do an internet search for contracts related to work-for-hire for photographers.

Susan Burns

You can use a form off the internet, but you might want to consider, if you've hired a professional photographer, working with her form instead. If nothing else, many photographers will want to charge you a lot more for a complete assignment of rights than they would for a standard license, which would generally give you the rights you'd need anyway.

A professional photographer may have the same reaction to your printed-off-the-internet form agreement that you would if a client proposed to engage you for legal services using their own similarly obtained form.

Kevin W. Grierson, Virginia

Good point, Kevin.

To clarify, you can use a form from the internet as a starting point to draft your own form. It provides a general framework. Obviously, as an astute lawyer you would want to do your own drafting and tweaking.

Susan Burns

OK thanks to all. I have seen some forms, some provided from you all, and prepared what I need.

Roger Rosen

Yes, but why hire a photographer, unless it is for pics of you and your staff. You can get an incredible array of stock photos with license for your website at VERY cheap price. There are several really good sources on the internet. I've used a couple. In fact, the cover photo for my novel *The First Rule* is a stock photo. Bought license to use it for up to 500,000 copies for something like \$15. All photos on my website are from stock photo sources.

Steve Terrell, Indiana