



# Best Practices for the Business of Independent Photojournalism

In the following pages, you will find two lists of Best Practices to consider when contracting for freelance photojournalism. These lists are guidelines and goals similar to those endorsed by other industries, such as medicine, agriculture and manufacturing.

One set of five points is for those who hire independent photojournalists. The other is to guide photojournalists in their efforts to deliver maximum value and accurate portrayals of reality to their clients, readers and viewers.

These lists grew from discussion, writing and rewriting by the Business Practices Committee of the National Press Photographers Association. We intend for this to be a living document, to be updated with new ideas. We welcome input. Our targets are fairness and practicality, two concepts we believe are intertwined in the business of the Fourth Estate. We endorse these practices because we believe professional relationships based on fair exchange, respect and the truth are essential for collecting and disseminating visual reports that are fair, honest and insightful. And we believe our audiences deserve nothing less.

## **Endorsements:**

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# Best Practices for Working with Independent Photojournalists

**1 Follow ethical practices in business relationships, as you would in reporting – including telling the complete truth and adhering to the NPPA Code of Ethics.** (See [www.nppa.org/professional\\_development/business\\_practices/ethics](http://www.nppa.org/professional_development/business_practices/ethics))

- a. Be honest and up front about assignment requirements, risks and rewards.
- b. If your organization requires a contract, be clear about this from the beginning. Do not expect photographers to sign contracts on the day of an assignment. The necessary usage rights should be part of the initial negotiations, along with the fees.

**2 Pay fair rates for the value that you and your organization receive.**

- a. Recognize an independent photographer's costs add up to much more than staff salary.
- b. Value comprises more than costs, including such factors as image uniqueness, the size an image is used, its prominence, circulation/viewer numbers and more.
- c. Pay space rates for value exceeding an assignment fee.
- d. Expenses should be paid fairly and promptly, including mileage fees at least equal to IRS rates, and mark-ups for supplies photographers must purchase in advance, test and inventory.
- e. Digital capture saves publications time and money. It costs photographers both. Digital rental and production fees are appropriate charges that should be paid.
- f. Each assignment requires preparation and follow-up and precludes scheduling other projects. If an independent photographer competently covers multiple assignments in a single day, he/she has earned multiple assignment fees.
- g. Long days (over 8 hours) deserve additional fees.
- h. Travel, pre- and post-production time should be paid with at least half the assignment day rate.
- i. Pay additional fees for high-risk assignments – such as combat and disaster coverage – which carry more potential costs to photographers and provide higher value to media clients.

**3 Contract only for the rights you clearly need and pay accordingly.**

- a. Industry standard has been that a freelance news assignment includes one-time publication rights. Without a written agreement to the contrary, this is what you are licensing.
- b. Work-for-hire contracts are inappropriate for freelance

news photography.

- c. Use of images and footage in multiple media should be compensated with multiplied licensing fees.
- d. Reuse and multiple uses (including tables of contents) should be compensated with additional fees.
- e. Embargoes affect the value of news images. They should represent (beyond first use) no more than two news cycles (e.g., two days for a daily newspaper or broadcast; two weeks for a weekly magazine or broadcast).
- f. Work contracted for “first use” should not be unreasonably embargoed. When it is clear images or footage will not be used in a reasonable period, release them to the photographer for resale.
- g. Contract for reuse of images in advance of the reuse.
- h. “Fair use” of images under copyright law is a gray area that requires a detailed examination of all facts relating to a specific use. There is no blanket exemption under the Copyright for any type of use.

**4 Loyalty and professionalism go both ways. Take care of those you hire.**

- a. Specify assignment details in writing. Ensure photographers understand what is needed to complete an assignment competently and safely.
- b. Do not take unfair advantage of a photographer who is new to the business. Photographers worth hiring once are likely to be worth hiring again. Helping them get established means they may still be in business when you need them again.
- c. Don't send photographers into unreasonably dangerous situations. Help photographers extract themselves and their equipment when they get in trouble.
- d. When those you trust enough to hire find themselves in a dispute, give them first benefit of any doubt.
- e. Be sure both you and the photographer have all information needed to get the photographer paid. Promptly and properly forward all requests for payment – and follow up.
- f. Do not ask photographers to indemnify your organization for circumstances beyond their control.

**5 Credit photographers accurately and legibly, adjacent to pictures or in broadcast credits. Expect multiplied fees or legal action for failing to do so.**

- a. Make sure copyright, caption and credit data are included in data layers of any archived image files.
- b. Lobby for prominent credit for picture stories and other special uses.

# Best Practices for Independent Photojournalists

## 1 Be honest. Seek the truth. Be ethical.

- a. Learn and follow the NPPA Code of Ethics. (See [www.nppa.org/professional\\_development/business\\_practices/ethics](http://www.nppa.org/professional_development/business_practices/ethics))
- b. Seek pictures that tell the story you see, not merely what you're assigned or expect. Avoid scenes that unfairly portray situations or subjects.
- c. Be aware of your conflicts of interest and how they might affect your coverage. Manage them effectively, and decline assignments when you have a conflict or the appearance of one.
- d. Inform your client if you have a business relationship with a potential subject.
- e. Realize your actions – or lack thereof – can affect the entire profession of photojournalism: our reputation, our effectiveness, our access, our rights to our images and our compensation rates.

## 2 Know your craft and practice it to the best of your abilities on all assignments.

- a. Promise only what you can deliver.
- b. Have the right tools – including cameras, maps, communications tools, transportation, consumables, protective clothing, emergency supplies and backups – available for the job. Charge accordingly.
- c. Do your homework. Know your subject, its location, its significance and any risks it poses.
- d. Be clear about rights licensed, fees, expenses and responsibilities before accepting an assignment.
- e. Invoice promptly and accurately. Know and follow the invoicing procedures required by your client.
- f. Gather and deliver accurate, complete caption information. Spelling and grammar count.
- g. Organize image and media files in safe places, so they are available for reuse and licensing to others.

## 3 Represent yourself and your client in a professional and appropriate manner.

- a. Dress appropriately for the assignment or situation.
- b. Identify yourself as agreed to with your client.
- c. Treat your subjects with appropriate respect and courtesy.
- d. Do not take sides or display bias.
- e. Do not abuse media privileges.
- f. Maintain a clear paper trail for every assignment or stock license, including agreements before assignments or sales, delivery memos, invoices and any follow up.
- g. Include your copyright information along with caption and capture data in all digital image files.

## 4 Understand your costs and the value of your work. Charge appropriately.

- a. Costs include both assignment expenses and your underlying cost of doing business. (See [www.nppa.org/professional\\_development/business\\_practices/cdb](http://www.nppa.org/professional_development/business_practices/cdb))
- b. Value is dependent upon image distribution (circulation/viewership), type of use (advertising is much more valuable than editorial), prominence (size, page position and/or time on screen) and image uniqueness/quality.
- c. Reuse and multiple uses should be compensated with additional or higher fees than one-time rights.
- d. Existing (stock) photography represents additional client value, since its quality and appropriateness are clear before licensing.
- e. Undercutting the market undercuts your future. It's very hard to raise fees once you're known as cheap, and if others lower fees to match yours, raising your rates can become impossible.
- f. Carry adequate insurance for yourself, your business and your equipment against hazards and errors.

## 5 Understand copyright; work with a fair contract.

- a. Register your images as “unpublished” before publication or as “published” within 90 days of first publication to receive full protection under U.S. Copyright law. (See [www.nppa.org/professional\\_development/business\\_practices/copyright](http://www.nppa.org/professional_development/business_practices/copyright))
- b. Use your attorney-approved contract for every assignment, specifying rights granted, any embargoes, your responsibilities, payment terms, credit language, governing law, limits to liability and other details.
- c. Seek legal help from attorneys, not photographers.
- d. Work-for-hire is for employees. It is not for independent contractors.
- e. Contracts are by definition negotiable. Walk away from “non-negotiable” offers that don't meet your needs.
- f. Oral contracts can be difficult or impossible to enforce. Be sure all agreements are in writing and everything agrees with your oral understandings.
- g. “Fair use” of images under copyright law is a gray area that requires a detailed examination of all facts relating to a specific use. There is no blanket exemption under the Copyright for any type of use.
- h. Do not send bills for unauthorized uses. Talk to an attorney. Rumors that unauthorized or miscredited uses command double or triple usage fees are just that. Every situation is different and copyright violations can be far more expensive.