

POSITION STATEMENT ON WORK-FOR-HIRE AGREEMENTS

As a general rule, Professional Photographers of America opposes the use of freelance contracts that feature work-for-hire arrangements. As the world's largest photographic trade association, PPA believes that such agreements are damaging to photographers, are detrimental to the publishers and advertisers that offer them, and substantially reduce the quality of the end product.

It is Professional Photographers of America's position that work-for-hire agreements should be avoided by photographers, publishers and advertisers because they:

-Drive up costs. Current advertising and publishing usage rates for photography remain competitive only because photographers have the potential to derive additional income from the images they create. In a work for hire arrangement that income stream is turned off, forcing the photographer to increase rates for the initial work.

-Limit the available talent pool. In almost all instances, skilled professional photographers, like those represented by PPA, will refuse to sign work-for-hire agreements. This is because giving up the right to one's own creative work and expression flies in the face of every natural artistic instinct. The United States Constitution does not protect artistic expression solely because it has a monetary value, but also because creative expression itself would be damaged if not protected. By demanding that such an agreement be signed, a publisher both limits and severely degrades its pool of available talent.

-Damage product salability. Advertisers and publishers have long understood the power of images to present and sell their products. Since it prevents the photographer from deriving additional income or even credit for creating the image, work-for-hire arrangements provide little incentive to produce his or her best work. Thus, work-for-hire agreements undermine the inherent commercial value of a project even before the work takes place.

-Eliminate flexibility for both publisher and photographer. More often than not, publishers who use work-for-hire freelance agreements are paying for rights they'll never use. By working as equals in a contract arrangement, photographer and publisher can determine exactly which usage rights are needed, and arrive at a fair price for that usage.

In short, work-for-hire contracts are harmful to both professional photographers and those who depend on their skill and creativity to sell products and express ideas.