



PHOTOGRAPHY Who Owns the Copyright?

If I take my designs to a photographer to have them professionally photographed for my promotional material, will I own the rights in the photographs of my work?

In law the answer is usually NO!

Important facts

The photographer will be the first owner of the intellectual property rights, in this case copyright, in the photograph(s) of your designs. However, it is possible to obtain the copyright by having the photographer "assign" the copyright to you.

It is important to realise that copyright may only be assigned by a signed agreement in writing, and having an Intellectual Property Assignment Agreement drafted is the best way of achieving this.

Paying for the services of a professional photographer makes no strict difference to the legal position as stated above. However, payment may well provide an "implied term" of any agreement that you have with the photographer, that you intended to own the copyright rather than the photographer. Such an implied term will most likely result in your being permitted to decide where your photographs are published and for what purpose.

The photographer will also have moral rights associated with the photograph(s) he/she has taken. This means that you will have to take into consideration not using the photographs in a manner that could be interpreted as derogatory by the photographer. You will also have to credit the photographer as having taken the photograph(s) wherever published.

In order for you to have full rights over how the photograph(s) are published, and to avoid having to name the photographer each time, you will need the photographer to "waive" these moral rights.

A waiver of moral rights may be incorporated into an Intellectual Property Assignment Agreement.



Points to Remember:

ACID Members should always be aware of the rights that photographers have in photographs of their work. ACID advises members to formalise the relationship with the photographer by having an Intellectual Property Assignment Agreement, signed by both parties.

Have you signed the ACID IP Charter?

Join a growing number of people who are about IP ethics, respect, and compliance.
<https://www.acid.uk.com/become-a-charter-signatory/>

