

Norbert Wu

Wildlife Photographer

1065 Sinex Avenue
Pacific Grove, CA 93950
USA

Dear Non-Profit Organization or Researcher:

Thanks for your interest in my photographs of marine life. I would like to clarify my office's policy for usage of our photographs. Please do take the time to read this letter so that you understand how I allow the usage of my photographs. I will explain my position so there is no confusion down the line. This letter is intended for people at nonprofit organizations who may not be aware of standard business practices when licensing the usage of photographs.

We no longer provide images at no charge, and rarely discount our images, for nonprofit organizations. We have found that administering and negotiating the use of photographs for nonprofit organizations often takes up more of our time than working with our commercial clients. We have also found that when we donate the use of our images, the organizations do not respect our guidelines for the use of the photographs, and often do not even help us in return if we need access or help in our projects.

An example is when I donated a CD of 200 of my marine conservation images to a marine conservation organization, with the express understanding that the images were to be used **ONLY** in this organization's brochures, newsletters, and website. We later discovered that this organization had ignored our guidelines, and had distributed our photographs to publishers. We started seeing our photographs used in books without payment and permission, and "once the cat was out of the bag," it was far more difficult to get the cat back. Getting the situation rectified took hundreds of hours of our time.

I must set limits on how my images are used, as I make my living by licensing rights to these same photographs. If, for example, an organization inadvertently submits one of my images to a commercial magazine publisher like *Natural History*, *Smithsonian*, *New Scientist*, or *National Geographic*, then my business may lose a sale to that client, who normally pays for images.. Normally, our office sends photos directly to magazines and bills the publications directly; the photographs are treated and paid separately from the text or article. I therefore ask that you do **NOT** supply any publications with photographs. I ask that you simply refer any publication to our office if photographs are needed. **Under no circumstances should you give these photographs or the use of them to any other individual, organization, publication, or entity.** These entities should request image usage through my office directly. All use of the images are to be by your nonprofit organization. You may not transfer the license to any third party.

Helping You by Minimizing Our Time & Effort

Please realize that the expense and staff time of duplicating, filing, and sending slides is considerable. Therefore, I'd like to ask that you make it easy for us to help you. The best way is to tell us exactly what photograph you'd like to use. The best way to find out what photographs you want is to visit our web-based database of photographs. You can reach this searchable catalog of images by clicking "Search" at www.norbertwu.com, or going directly to the search engine at www.norbertwustock.com. Though you have to register to use this site, the registration process is very speedy, and should not be a hindrance to your use of this site. If you type in the keyword "Shark," for instance, you will see many images that depict sharks. Then let my office manager (office@norbertwu.com) know the exact image ID numbers that you would like (such as BRN0065 or ALK0001), and we can send you 35mm duplicates of the image, or arrange to have scans sent to you.

Please refer to the FAQ page on our website for a PDF that describes how to search our website for images.

Let Us Know How You Used Our Images

We ask all organizations or individuals to whom we have licensed the use of our photographs to do the following: send us a formal letter by email with your name, title, and organization, describing the exact usage where the photograph(s) have been used. We need to pre-approve any usage of our photographs in any venue. It is customary and important for us to receive, at the least, copies of any publications (or photocopies of the specific pages) in which our photographs have been used. We do keep track of usages of our photographs, and getting copies is important for many reasons. If the photograph has been used in a website, please specify the website address (URL). Please be sure to credit my photographs in the form "© Norbert Wu / www.norbertwu.com" in any publication, and to mention my name as the photographer when giving talks.

Our office charges a service fee for all submissions, regardless of the use. This fee covers our costs and staff time to grant permissions and track them. We appreciate receiving your Fedex account number to bill shipments to, as it helps us get photos to you quickly without incurring further expenses on our end.

The service fees are as follows:

1. For all requests that do not require us to prepare a submission (you use our website exclusively, and use images from the site), we charge \$75 to grant and track permissions and usage of the photograph.


2. For any requests that require us to submit either a web-based lightbox or transparencies, we charge a minimum fee of \$75 plus the costs of duplicate slides in each submission (\$1 per slide).

To ensure our staff time is kept to a minimum, we ask that payment for this service fee be made from petty cash or check before permission is granted. We are sorry, but we will not service requests, or grant permissions for requests, that require us to fill out institutional paperwork.

I hope that you understand our office policy on the use of our photographs. We are a business engaged in the licensing of the usage of our photographs for publication. We are no longer willing to donate the usage of our photographs for any purposes whatsoever. We prefer to choose our own charities and donate funds accordingly. As another photographer states in the short article below, "Due to the nature of underwater imagery, a large slice of our stock is well targeted for these educational and not-for-profit markets. While we often offer a discounted price to non-profits we still need to make money--so that we will stay in business--so we can continue to provide valuable content/photographic evidence of what is going on under the water's surface."

Please contact us should you have any questions or concerns. Thanks for your professionalism.

Best,



Norbert Wu

The following article is excerpted from the August 2001 issue of ASMP (American Society of Media Photographers) Bulletin:

VIEWPOINT / LETTERS

It happens all the time. "Hi, I'm Norman from Non-Profit and we need photographs to help our cause. Can you provide us with some?"

Many photographers do help such organizations, because there's simply nothing wrong in being charitable. It's a personal choice. But at some stage, most photographers have to draw the line.

A recent plea for marine photographs drew the following opinion from ASMP member and underwater special interest group leader Georgienne Bradley. Said Bradley: "While there are many great causes out there -- and many of us may well decide to back one or all of them, this should be done on an individual basis. Non-profit and/or not-for-profit doesn't usually mean no budget. Quite the contrary, many well respected NPs have large budgets. NP employees and administrators do not donate their time, they receive both salaries and benefits.

"Years ago, I received a telephone call from a seemingly distraught woman begging for images that she could use to put together an educational program for Alaska school children. She pulled on my heart strings and I agreed. Months later, I received a call from a friend who had recognized our image in a full page advertisement spread in Alaska Airlines' in-flight magazine. I investigated and found that the educational program was being funded by Exxon and a large advertising firm had been hired to launch an educational campaign. I later found that their budget was staggering and I felt like a chump.

"Due to the nature of underwater imagery, a large slice of our stock is well targeted for these educational and not-for-profit markets. While we often offer a discounted price to NPs we still need to make money -- so that we will stay in business -- so we can continue to provide valuable content/photographic evidence of what is going on under the water's surface.

"While I still may choose to give usage to an occasional grassroots cause, I don't believe that giving images away via a blanket mechanism helps anyone, photographer or NP, in the long term."

The following article is excerpted from the Winter 2005 issue of North American Nature Photographers Association (NANPA) *Currents* newsletter:

The Practicing Pro: Working with Nonprofit Organizations
by Norbert Wu

Would you give a few hundred dollars or several hours of your time to a person on the street with his hand out if he said that he was trying to save the world? What if the person represented a well-known conservation organization? What if this was not an individual, but was a huge nonprofit entity? As a professional photographer, I am continually approached by nonprofit organizations that wish to use my photographs for free or at a discounted rate. I have discovered that giving it to them almost always leads to trouble.

Many nonprofits are staffed by people who believe in their cause, but they are often unfamiliar with the business of licensing images. You could spend hours educating them about how the photographs can be used and the business of photography.

Administering and negotiating the use of photographs for nonprofit organizations often takes up more of my time than working with commercial clients. Sometimes when I donate the use of my images, my guidelines are not respected. Often I am not given the help or access I was promised in return. And sometimes the rights I donate are abused.

For example, I donated a CD of 200 of my marine conservation images to a nonprofit with the understanding that the images were to be used ONLY in the organization's brochures, newsletters and website. I later discovered that this organization had not only ignored my guidelines, but had distributed the photographs to publishers. I started seeing my photographs used in books without payment and without permission. Once the cat was out of the bag, it was far more difficult to get it back in (along with all its digital duplicates). Rectifying the situation took hundreds of hours of my staff's time.

Sometimes photographers deal with more financially secure nonprofits, which are becoming more corporate in their outlook every day every day. Like their for-profit counterparts, they often have contracts that are complicated, aggressive and predatory. A picture researcher from a respected nonprofit wrote me asking to use one of my photographs in an upcoming book. She offered me a below-industry rate, saying, "I do have some leeway with this amount, but please take into consideration our nonprofit status as a business." This request for a discount was accompanied by a long contract.

I wrote the researcher back and explained that the small amount she was offering would not even cover the cost in time spent by my staff and me reviewing the long contract.

I consider giving discounts to valid nonprofits that are involved in environmental matters and genuinely need our help. But I don't believe in supporting a company that is capable of paying for images at industry rates. They don't need our support. Some of them have paid increasingly lower photo usage fees over recent years, while asking for more and more rights in their contracts.

Still, it's hard to say no to a nonprofit. Who would not say yes given the chance to save the world? Who doesn't want to do good? After all, giving someone the use of your photograph does not cost you anything, does it? Yes, it does! Time—if you are a self-employed photographer—is indeed money. Time is your most precious asset and should not be given away lightly.

If you do not have respect for the value of your work, you cannot expect others to respect you enough to pay you fairly for the use of your photographs. Don't give your photographs away cheaply. Hold fast to the principle of reciprocity. If the organization cannot pay, then ask them for access to their

lands or access to other subjects, but work out something so that you receive value in return for the use of your photographs.

As a final note, here's an email we recently received from the director of a nonprofit organization, asking us to donate the use of our photos:

- > For use in fundraising ad campaign for non-profit program connecting children
- > who have survived cancer with endangered species and imperiled habitats to
- > inspire other children in their own fight for life and help sustain all life
- > on the planet. Initial use as large one-sheet mailer secondary use as postcard
- > and on website

Wow. Donating the use of my photos cannot possibly help sustain all life on the planet, as well as help children who have saved cancer. The pressure in even thinking about doing everything she wanted me to do tired me out, and I ended up just taking a nap.