

The
Wow

e-newsletter

by Ken and Dahlynn McKowen

Principles

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www.PublishingSyndicate.com



Finding a photo of just plain old mud was difficult, until we came across "mud man." This isn't one of our photos, but one we acquired. Not sure if he filled out a model release for the clip art company, though...

Clear as Mud

*Navigating Your Way through
the World of Photo Releases*

Legal considerations when taking and using photos to accompany your written work can be a leap of faith into unknown depths. While libel laws control what you write, the laws that govern the use of photographs of people are more like muddy water in a swirling river. Knowing how to navigate those channels will save you time and possible lawsuits.

Before we go any further, because of the vast ambiguity that accompanies this subject, what follows in this e-newsletter are friendly guidelines. All information provided, including the sample model release at the end of this article, is certainly not legal advice about what photos you can take and how you can use them.

Back to our lead: because of these legal considerations, most publishers will require that you—the writer/photographer—obtain model releases or permissions from your subjects. There are two types of photos, and each with their own set of model release language: “people photos” and “property photos.” For this issue, we will cover people photos, and in May, we’ll present the more complicated property photo release debate.

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Clear as Mud

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People Photos

People you photograph (known as a “subject”) have two rights in this country: the right to privacy and the right of publicity, with your First Amendment rights tossed into the mix. Generally, you can use a photo of any individual or group of people if the photo is used for “news purposes.” Unfortunately, there is often a fine wavy line between what is “newsworthy” and what might be an infringement upon a subject’s right to privacy.

Regarding a subject’s right to publicity, that person has the right to control the use of his/her name and likeness when it comes to commercial exploitation. In other words, if you are using his/her name or image in a commercial publication, be it a newspaper, magazine, book or on the Internet, and the way you are using their photo is not “news,” this could be considered possible commercial exploitation. For this reason, it is imperative to obtain written permission.

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Exceptions

- If the subject is a public figure, then you have more freedom in using their photo without a release.
- If the subject is unrecognizable (i.e., photo taken from the back) and they are not doing anything illegal or derogatory and can’t identify themselves, then generally you won’t need a release.
- When we travel abroad, we don’t worry about model releases if, 1) the photo is a candid shot of everyday life, and 2) the photo will accompany a news-related article.



Hoi An, Vietnam: two young monks were leaving their temple when we took these shots. They were very quiet and reserved, but their personalities came out when they walked away giggling, no doubt at the funny Americans!

Clear as Mud

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When supplying people photographs with your story, publishers will err on the conservative side and require that *you* be responsible for getting model releases for every subject. So, what does a model release look like and how do you get it signed? See the provided example. Most model releases used by photographers, including ourselves, are simple half-page or one-page forms (see sample below). We try not to fill ours with too much “legaleeze.” The release states that the subject is allowing us to use the photo we took of him/her for publication. Sometimes a subject will want to restrict where their photo can appear, and even how many times the photo can be used, and will scratch out or change the language on the model release form. While we are open to changes, we tread lightly, as we have to protect our business and ourselves (if the subject is too demanding, then we go with a more cooperative subject). Keep in mind that if your subject is under age 18, you will need a parent or guardian’s signature on your release.

Again, there are many things to take into account when photographing people. The best thing to do is listen to your gut, just like you would do before jumping into the unknown: if you have to think twice, then obtain that written release. It is better to be safe than truly frustrated when a publisher declines that perfect accompanying photo because you neglected to obtain a simple model release. 

Because we’re squished for space in our example below, we ran the signature line on the same line as the printed name. Normally, it appears underneath the printed name.

MODEL RELEASE

In exchange for consideration received, I hereby give permission to Ken McKowen and Dahlynn McKowen (DBA Publishing Syndicate) to use my name and photographic likeness in all forms and media for advertising, trade, and any other lawful purposes.

Name (print): _____ Signature: _____ Date: _____

If Subject is under 18: I, _____, am the parent/legal guardian of the individual named above, I have read this release and approve of its terms:

Name (print): _____ Signature: _____ Date: _____



79th Annual Writer's Digest Writing Competition

Deadline: May 14, 2010

Late Entry Deadline: June 1, 2010

Writer's Digest annual competition is the pinnacle of writing contests. It's a blast to see many of our *Wow Principles* writers placing in the event, and we've done well in the competition, too; two years ago, our prison-themed screenplay "Trader" placed in the top 100, Movie Script category. This recognition is a great plug when pitching the screenplay to studios.

Here are this year's categories:

- Inspirational Writing (Spiritual/Religious)
- Memoirs/Personal Essay
- Magazine Feature Article
- Genre Short Story (Mystery, Romance, etc.)
- Mainstream/Literary Short Story
- Rhyming Poetry
- Non-rhyming Poetry
- Stage Play
- Television/Movie Script
- Children's/Young Adult Fiction



The Grand Prize is \$3,000 cash and a trip to New York City to meet with agents and editors. There are lots more prizes, from 1st place all the way through 100th place. If you ever thought about entering a writing competition, this is the one to try. Entry fees range between \$15 and \$25; it is definitely one of the less expensive contests to enter, but one of the most prestigious! So check it out...we want to see your name on the list of winners!

[More info/enter](http://www.writersdigest.com)
www.writersdigest.com

[Questions](mailto:writing-competition@fwmedia.com)
writing-competition@fwmedia.com

HOT STUFF! HOT STUFF! HOT STUFF! HOT STUFF! HOT STUFF!

Chicken Soup for the Soul

www.ChickenSoup.com

Deadlines Extended!

My Dog's Life: **Deadline: May 31, 2010**

My Cat's Life: **Deadline: May 31, 2010**

Grieving and Recovery: **Deadline: May 31, 2010**

New Moms: **Deadline: July 31, 2010**

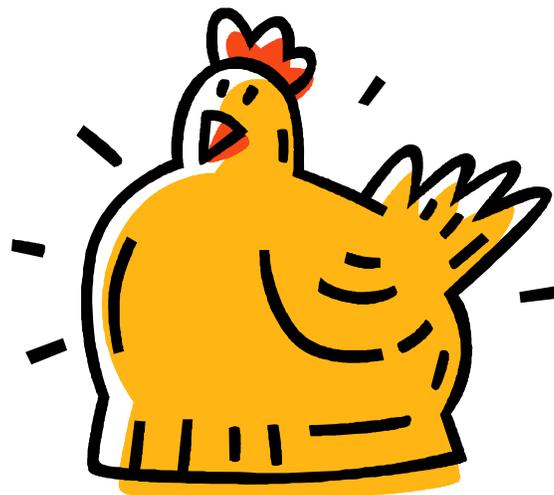
Grandmothers: **Deadline: August 31, 2010**

Preteens: **Deadline: December 31, 2010**

Teens: **Deadline: December 31, 2010**

Young at Heart: **Deadline: December 31, 2010**

Mothers and Daughters: **Deadline: December 31, 2010**



FEATURED TITLE: *Think Positive*: **Deadline: April 30, 2010**. This title is a continuation of the theme of popular past titles--*Chicken Soup for the Soul: Count Your Blessings* and *Chicken Soup for the Soul: Tough Times, Tough People*. Looking for stories of optimism, faith and strength to encourage readers to stay positive in these challenging times. Stories should inspire others to focus on hope and remind them that each day holds something to be grateful for.

A Cup of Comfort

www.CupofComfort.com



New titles coming soon!

Just spoke with Colleen Sell at CofC and learned that the \$1000 winner in the *A Cup of Comfort/REDBOOK* story contest will be announced on June 1, 2010. If you submitted a love story for their upcoming *A Cup of Comfort for Couples* book (deadline passed), good luck!

To keep up with Colleen and CofC, check out her blog: www.cupofcomfort.com/blog.aspx. It's fun and full of info!

Go for it! Get published! 