

ARE BANDS REALLY ASKING CONCERT PHOTOGRAPHERS TO HAND OVER THEIR COPYRIGHTS?

BY ANDREA DOMANICK

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Timothy Norris' shot of Dave Grohl at a Foo Fighters performance in 2007

Timothy Norris

See also our review of Foo Fighters at The Forum, 10/13/11

The Foo Fighters perform at The Forum tonight and Friday, and while fans may be giddy, some concert photographers are less enthused. Our sister paper *City Pages* in Minneapolis recently published an [article lamenting -- and boycotting -- the band's draconian photo release policies](#), which demand that photographers sign away the rights to their shots, giving the band's management legal control over which photos can be published.

Photo releases at shows are nothing new. They're usually required, with many simply defining when the photographer can shoot and whether he or she can use flash, along with third party restrictions and similar basic use rights. But a number of what are being called

"rights grab" releases have begun using ominous and intimidating jargon that effectively ask photographers to relinquish all rights to their images, forever.

The release for [Band of Horses](#)' current tour, for example, strips photographers of the right to use their photos anywhere, in any format, without management's consent. Or, as they put it, "the right to exploit all or a part of the Photos in any and all media, now known or hereafter devised, throughout the universe, in perpetuity, in all configurations as you determine, without obtaining my consent and without any payment or consideration therefore." [*sic*]

Such releases have inspired a strong backlash in the concert photography community.

"These contracts are exploitative and unjustified. I believe a lot of photographers are getting screwed over," says Florida-based photojournalist Radko Keleman, who started a [Facebook group](#) to keep tabs on these types of releases and provide a forum for photographers. In addition to being disrespectful to their art, Keleman says these agreements make it much harder for a photographer to make a living. "This is like Occupy Wall Street. It's about the rich taking from the poor."

"Photographers should stop shooting artists with these releases, period," he continues. "Then when they don't see any photographers at their show, they're gonna wonder why they don't have any other media coverage."

This type of protest has worked. In fact, [Janet Jackson](#) and Ke\$ha revoked their strict contracts this summer after being met with strong opposition and boycotts from outlets across the country. Yet the Foo Fighters' photo waiver, [which you can see here](#), remains one of the strictest around.

The band says they're trying to prevent scams. "The language [of the contracts] might be severe but that really isn't the intent. It's just to protect the Foo Fighters from having their image sold and licensed without their knowledge or control," a Foo Fighters publicist told *City Pages*.

Indeed, indie outfit Guster recently recounted an incident on their [Twitter page](#) where a photographer who hadn't signed a release tried to charge their management \$15,000 for photos of one of their shows.

Another reason given for these strict contracts is that they prevent unflattering pictures from getting out. Alt rockers Jimmy Eat World restricts the use of their photos on wire services in order to "protect their image," Keleman says. But he asserts that this is unrealistic. "It's impossible for an artist to have complete control and protection over their image."

While some photographers have been able to make money within the parameters of these new contracts -- by licensing them to band management for use in marketing, for example -- Keleman says they nonetheless threaten the media's integrity and artist creativity.

Indeed, as *City Pages*' Andrea Swensson wrote, if artists like Foo Fighters can control which images are used, what's to stop them from trying to control the content of reviews? It looks like some have even tried, if this portion of Janet Jackson's [contract in April](#) is any indication:

"If the Photographs are to be printed together with any editorial, news or other informational text, the final edit of such text shall be subject to Artist's prior written approval."

[*sic*]

The solution to this problem? Keleman believes it should could come in the form of a truce based on mutual respect, and admits that photographers haven't always held up their end of the bargain.

"I would never publish an unflattering photo of an artist -- that reflects poorly on me," he says. "But publishers seem like they're sending anyone out to shoot these days. They should do a better job of checking out their backgrounds and credibility, because there's a lot of shady photographers out there who messed it up for the rest of us."

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